
STATUTORY INSTRUMENTS

1998 No. 1504

The Criminal Justice (Children) (Northern Ireland) Order 1998

PART IV

CRIMINAL PROCEEDINGS

Summary trial of indictable offences

17.—(1) Where a child is charged with any indictable offence other than homicide and—

- (a) a court of summary jurisdiction before which he is so charged thinks it expedient to deal with the case summarily;
- (b) the parent or guardian of a child under the age of 14 or in any other case, the child so charged, is informed by the court of his right to have the case tried by a jury and consents to the case being dealt with summarily; and
- (c) the prosecution consents,

the court may deal summarily with the offence.

(2) The court may on a finding of guilt—

- (a) make any order which might have been made if the case had been tried on indictment; or
- (b) impose a fine of such amount as the court may, subject to Article 34, think fit.

(3) Where the court is satisfied that it is expedient to deal with the case summarily, it shall cause the charge to be read—

- (a) in the case of a child under the age of 14, to the parent or guardian (unless paragraph (5) applies); or
- (b) in the case of any other child, to the child, and

shall then address to him a question to the following effect: “Do you wish the case to be tried by a jury or do you consent to the case being dealt with summarily?”.

(4) The court shall explain in ordinary language to the person to whom the question is addressed the meaning of the case being dealt with summarily and the explanation shall include a statement as to the Crown Court at which the case may be tried.

(5) Where the parent or guardian of a child under the age of 14 is not present when the child is charged with an indictable offence before a court of summary jurisdiction, the court may—

- (a) if it thinks it just to do so, remand the child for the purpose of causing notice to be served on the parent or guardian, with a view, so far as is practicable, of securing his attendance at the hearing of the charge; or
- (b) if it thinks it expedient to do so, deal with the case summarily without the consent of the parent or guardian.

(6) Every finding of guilt or dismissal under this Article—

- (a) of a child under the age of 14 shall contain a statement as to the consent or otherwise of his parent or guardian;

(b) of any other child shall contain a statement of his consent, to his being tried summarily.

(7) The provisions of Article 19(1)(b), paragraphs (1), (2), (3) and (5) of Article 46 of, and paragraph 4 of Schedule 5 to, the Magistrates' Courts (Northern Ireland) Order 1981 and so much of the procedure for dealing summarily with an indictable offence under Article 45 of that Order as magistrates' courts rules make applicable, shall apply in relation to offences authorised to be dealt with or dealt with under this Article in like manner as they apply to offences authorised to be dealt with or dealt with under Article 45 of that Order.

(8) Any reference in this Article to a court of summary jurisdiction shall include a reference to a resident magistrate sitting out of petty sessions under Article 18(2) of the Magistrates' Courts (Northern Ireland) Order 1981.

Modifications etc. (not altering text)

C1 Art. 17 applied by [The Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), [s. 9\(2\)\(aa\)](#) (as inserted (13.5.2016)) by [The Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), [ss. 57\(3\)](#), 61(1))

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 17.