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STATUTORY INSTRUMENTS

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**1998 No. 1504**

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

PART VI

SENTENCING AND OTHER POWERS

*Attendance centre orders*

**Discharge, revocation or variation of attendance centre orders**

**38.**—(1) A court of summary jurisdiction may, on an application made by complaint by the child or by the officer in charge of the attendance centre specified in an attendance centre order—

- (a) discharge the order; or
- (b) vary the day or hour specified in the order for the child's first attendance at the centre;

and where the application is made by the officer in charge of the attendance centre, the court may deal with it without summoning the child.

(2) Where an attendance centre order has been made and it appears upon a complaint made to a justice of the peace that the child—

- (a) has failed to attend in accordance with the order; or
- (b) while attending at the centre has committed a breach of the rules made under Article 50(3) which cannot be adequately dealt with under those rules;

the justice may—

- (i) issue a summons directed to that child requiring him to appear before a youth court for the petty sessions district in which that child resides or in which the attendance centre specified in the order is situated; or
- (ii) if the complaint is in writing and on oath, issue a warrant for that child's arrest requiring him to be brought before such a court.

(3) If it appears to the satisfaction of the court before which the child appears or is brought under paragraph (2) that—

- (a) he has failed without reasonable excuse to attend as mentioned in paragraph (2)(a); or
- (b) he has committed such a breach of rules as is mentioned in paragraph (2)(b),

that court may revoke the order and deal with him in any manner in which he could have been dealt with by the court which made the order, if the order had not been made.

(4) Where a child in respect of whom an attendance centre order is in effect is convicted by a court of an offence, the court may—

- (a) revoke the order; and
- (b) in passing sentence for the offence take into account the number of hours which, but for the revocation, the child would have had to attend at an attendance centre to comply with the order.

(5) The discharge, variation or revocation under this Article of an attendance centre order shall be by order of the court, and where a court makes an order under this Article the clerk of the court shall serve a copy of the order on—

- (a) the officer in charge of the attendance centre specified in the attendance centre order which is discharged, varied or revoked; and
- (b) the child; and
- (c) his parent or guardian.