
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

[^{F1}Community responsibility orders

F1 2002 c. 26

[^{F2}Community responsibility orders

36E.—(1) Where a child is found guilty by or before any court of an offence, other than an offence the sentence for which is (in the case of an adult) fixed by law as imprisonment for life, the court (subject to Article 32(1)) may make a community responsibility order.

(2) A community responsibility order is an order requiring the offender—

- (a) to attend at a place specified in the order for the number of hours so specified for relevant instruction in citizenship; and
- (b) to carry out for the number of hours specified in the order such practical activities as the responsible officer considers appropriate in the light of that instruction.

(3) “Relevant instruction in citizenship”, in relation to an offender, means instruction dealing with—

- (a) citizenship (including, in particular, the responsibilities a person owes to the community);
- (b) the impact of crime on victims; and
- (c) any factors relating to the offender which may cause him to commit offences.

(4) In this Order “responsible officer”, in relation to an offender subject to a community responsibility order, means one of the following who is specified in the order—

- (a) a probation officer;
- (b) a social worker of the appropriate authority; and
- (c) such other person as the Secretary of State may designate.

(5) The number of hours specified under paragraph (2)(a) must be not less than one half of the aggregate number of hours specified in the order.

(6) The aggregate number of hours specified in the order must be—

- (a) not less than 20; and
- (b) not more than 40.

(7) Where a court makes community responsibility orders in respect of two or more offences of which the offender has been found guilty by or before the court, it may direct that the hours specified in any of those orders be—

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- (a) concurrent with those specified in any other of those orders; or
 - (b) additional to those so specified.
- (8) But the total number of hours which are not concurrent must not exceed the maximum specified in paragraph (6)(b).
- (9) The Secretary of State may by order amend paragraph (6)(a) or (b) (or both).
- (10) An order under paragraph (9) is subject to [^{F3}negative resolution].]

F2 2002 c. 26

F3 Words in art. 36E(10) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010](#) (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 19(6)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

[^{F4}Restrictions on community responsibility orders

36F.—(1) The court must not make a community responsibility order in respect of the offender unless he consents.

(2) The court must not make a community responsibility order in respect of the offender if it proposes to deal with him for the offence in any other way.

(3) The court must not make a community responsibility order unless—

- (a) it has been given notice by the Secretary of State that arrangements for implementing such orders are available in the district proposed to be named in the order under Article 36I(1); and
- (b) the notice has not been withdrawn.

(4) Before making a community responsibility order, the court must state in open court that it is of the opinion that Article 8(1) of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24) (restrictions on imposing community sentences) applies and why it is of that opinion.

(5) It must also explain to the offender in ordinary language—

- (a) why it is making the order;
- (b) the effect of the order and of the requirements proposed to be included in it;
- (c) the consequences which may follow under Schedule 1A if he fails to comply with any of those requirements; and
- (d) that the court has power under that Schedule to review the order on the application either of the offender or of the responsible officer.]

F4 2002 c. 26

[^{F5}Requirements of community responsibility orders

36G.—(1) An offender in respect of whom a community responsibility order is in force must—

- (a) attend the place specified in the order at such times as he may be instructed by the responsible officer; and
- (b) carry out such activities as he may be instructed by the responsible officer to carry out at such times as he may be so instructed to carry them out.

(2) Such an offender must—

- (a) keep in touch with the responsible officer in accordance with such instructions as he may be given by that officer; and
 - (b) give notice to him of any change of address.
- (3) The instructions given by the responsible officer must, as far as practicable, be such as to avoid—
- (a) any conflict with the offender's religious beliefs or with the requirements of any order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (4) The obligations imposed by a community responsibility order must be performed within the period of six months beginning with the date on which the order is made.
- (5) But, unless revoked, the order remains in force until the offender has performed the obligations contained in the order.]

F5 2002 c. 26

[^{F6}Rules relating to community responsibility orders

- 36H.**—(1) The Secretary of State may make rules for regulating—
- (a) the attendance by persons subject to community responsibility orders at places for the purposes of those orders; and
 - (b) the carrying out by such persons of practical activities for those purposes.
- (2) Such rules may, in particular, make provision—
- (a) regulating the functions of responsible officers;
 - (b) limiting the number of hours of attendance or of carrying out activities on any one day;
 - (c) as to the reckoning of hours spent in complying with the requirements imposed by a community responsibility order;
 - (d) as to the keeping of records of such hours; and
 - (e) for the payment of travelling and other expenses incurred in connection with complying with such requirements.
- (3) Rules under this Article are subject to [^{F7}negative resolution].]

F6 2002 c. 26

F7 Words in art. 36H(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), Sch. 2 para. 19(7) (with arts. 28-31); S.I. 2010/977, art. 1(2)

[^{F8}Supplementary provisions about community responsibility orders

- 36I.**—(1) A community responsibility order must name the petty sessions district in which it appears to—
- (a) the court making the order; or
 - (b) the court amending under Schedule 1A any provision included in the order,
- that the offender resides or will reside.

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(2) Where a community responsibility order specifies as the responsible officer a probation officer, the officer must be an officer appointed for or assigned to the petty sessions district named in the order.

(3) The court by which a community responsibility order is made must^{F9} as soon as is practicable] give copies of the order to—

- (a) the offender subject to the order;
- (b) his parent or guardian; and
- (c) the responsible officer.

(4) Except where the court is itself a magistrates' court acting for the petty sessions district specified in the order, the court must send to the clerk of petty sessions for the petty sessions district so specified—

- (a) a copy of the order; and
- (b) such documents and information relating to the case as it considers likely to be of assistance to a youth court acting for that district in exercising its functions in relation to the order.

(5) A magistrates' court must cause a reason stated by it under Article 36F(4) or (5)(a) to be entered in the Order Book.

(6) The Secretary of State may pay any expenses of a person designated by him which are incurred in performing any functions as the responsible officer of an offender subject to a community responsibility order.

(7) Schedule 1A (which makes provision for dealing with failures to comply with community responsibility orders and for their revocation and amendment) shall have effect.]]

F8 2002 c. 26

F9 2005 NI 15

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Changes to legislation:

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