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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

*Juvenile justice centre orders*

**Juvenile justice centre orders**

**39.**—(1) Where a child is found guilty by or before any court of an offence punishable in the case of an adult with imprisonment (other than an offence<sup>[F1]</sup> 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)) shall have power to make a juvenile justice centre order, that is to say, an order that the child shall be sent to a juvenile justice centre and be subject to a period of detention in a juvenile justice centre followed by a period of supervision.

(2) A juvenile justice centre order shall be for a period of six months unless the court specifies in the order a longer period not exceeding two years.

(3) A court shall not make a juvenile justice centre order unless, after taking into account any matters which it is required to take into account by Article 37 of the Criminal Justice (Northern Ireland) Order 1996 (previous convictions, etc.), it has formed the opinion under Articles 19 and 20 of that Order that a custodial sentence would be justified for the offence.

<sup>[F2]</sup>(3A) A court shall only make a juvenile justice centre order in the case of a child who has attained the age of 17 if either paragraph (3B) or (3C) applies in relation to the child.

(3B) This paragraph applies in relation to a child if—

- (a) the child will not become an adult during the period of the order;
- (b) the child has not had a custodial sentence imposed on him within the last two years; and
- (c) the court, after considering a report made by a probation officer, considers that it is in the child's best interests to make such an order.

(3C) This paragraph applies in relation to a child if the court has been notified by the Secretary of State that no suitable accommodation for that child is available in a young offenders centre.]

(4) Where a court makes a juvenile justice centre order for a period longer than six months, it shall state in open court its reasons for doing so.

(5) Subject to paragraph (6), the period of detention which the child is liable to serve under a juvenile justice centre order shall be one half of the period of the order.

(6) The length of the period of detention shall be treated as reduced by any period which is a relevant period within the meaning of section 26(2) and (2A) of the Treatment of Offenders Act (Northern Ireland) 1968 (reduction of sentence).

(7) Any reference in any statutory provision to the length of the period of a juvenile justice centre order shall, unless the context otherwise requires, be construed as a reference to the length

of the period imposed by or under paragraph (2) and not the length of the period as reduced by paragraph (6).

[<sup>F3</sup>(8) Where a court makes a juvenile justice centre order in respect of a child, it may, subject to Chapter 5 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008, impose a curfew requirement or an electronic monitoring requirement (within the meaning of that Chapter) during all or part of the period of supervision to which the child is subject under the order.]

**F1** 2002 c. 26

**F2** Art. 39(3A)(3B)(3C) substituted (8.6.2008) for art. 39(3A) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(3)(a), **96(4)**

**F3** Art. 39(8) added (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **36(2)**; S.R. 2009/120, **art. 2(1)**

### Supervision under a juvenile justice centre order

**40.**—(1) During the period of supervision under a juvenile justice centre order, the offender shall be under the supervision of a probation officer or such other person as the Secretary of State may designate.

(2) Before the commencement of the period of supervision—

(a) the managers of the juvenile justice centre where he is detained shall give him a notice specifying—

(i) the period of supervision; and

(ii) the person under whose supervision he will be;

[<sup>F4</sup>(b) the person under whose supervision he will be shall give him a notice specifying—

(i) any requirements imposed by the court under Article 39(8); and

(ii) any other requirements with which he must comply.]

(3) During the period of supervision the person under whose supervision the offender is or another person designated by the Secretary of State may give the offender a notice specifying any alteration to the matters mentioned in paragraph (2)(a)(ii) [<sup>F5</sup>or (b)(ii)].

(4) The Secretary of State may make rules regulating the supervision of an offender subject to a juvenile justice centre order [<sup>F6</sup>, but such rules may not regulate any matter which may be regulated by rules under Article 44 of the Criminal Justice (Northern Ireland) Order 2008].

(5) Rules under paragraph (4) shall be subject to [<sup>F7</sup> negative resolution].

(6) The Secretary of State may pay the expenses incurred by any person designated under paragraph (1) arising from the supervision of an offender under this Article.

**F4** Art. 40(2)(b) substituted (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **36(3)**; S.R. 2009/120, **art. 2(1)**

**F5** Words in art. 40(3) substituted (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **36(4)**; S.R. 2009/120, **art. 2(1)**

**F6** Words in art. 40(4) added (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **36(5)**; S.R. 2009/120, **art. 2(1)**

**F7** Words in art. 40(5) 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(9)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

## Breach of supervision requirements

**41.**—(1) Where a juvenile justice centre order has been made and it appears upon a complaint made to a justice of the peace that the offender has failed to comply with any requirements under [<sup>F8</sup>Article 39(8) or] Article 40(2) or (3), the justice may—

- (a) issue a summons directed to the offender requiring him to appear before a youth court specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender's arrest requiring him to be brought before a youth court specified in the warrant.

(2) If it is proved to the satisfaction of the court before which the offender appears or is brought under this Article that he has failed without reasonable excuse to comply with requirements under [<sup>F9</sup>Article 39(8) or] Article 40(2) or (3), the court may deal with him in respect of the failure in any of the following ways, namely—

- (a) it may impose on him a fine not exceeding—
  - (i) £200 if he is under the age of 14; or
  - (ii) £1,000 in any other case;
- (b) it may order him to be detained for a period not exceeding 30 days—
  - [<sup>F10</sup>(i) in a juvenile justice centre if he has not attained the age of 17 or falls within paragraph (2A); or
  - (ii) in a young offenders centre in any other case.]

[<sup>F10</sup>(2A) The offender falls within this paragraph if he—

- (a) has attained the age of 17;
- (b) has not attained the age of 18 and will not attain that age within the next 30 days; and
- (c) has not had a custodial sentence (other than the juvenile justice centre order in question) imposed on him within the last two years,

and the court, after considering a report made by a probation officer, considers that it is in his best interests to order him to be detained in a juvenile justice centre (and not in a young offenders centre).

(2B) Where the court imposes a fine on the offender under paragraph (2)(a)—

- (a) if he has not attained the age of 16, it shall order that the fine be paid by the parent or guardian of the child instead of by the child, unless it is satisfied that there is good reason for not so doing; and
- (b) if he has attained that age but has not attained the age of 18, it may so order.

(2C) A fine ordered under paragraph (2B) to be paid by a parent or guardian may be recovered from him by distress, or he may be imprisoned in default of payment, in like manner as if the order had been made on the conviction of the parent or guardian of the offence for which the juvenile justice centre order was made.

(2D) A parent or guardian may appeal to a county court against an order under paragraph (2B).]

(3) Any period of supervision shall not be reduced by any period during which the offender is detained under paragraph (2).

**F8** Words in art. 41(1) inserted (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008](#) (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **36(6)**; S.R. 2009/120, art. **2(1)**

**F9** Words in art. 41(2) inserted (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008](#) (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **36(6)**; S.R. 2009/120, art. **2(1)**

**F10** 2002 c. 26

**Taking of children to juvenile justice centre**

42.—(1) The court which makes a juvenile justice centre order shall cause it to be delivered to the constable or other person responsible for taking the child to the centre, and the person who takes him to the centre shall deliver the order to the person for the time being in charge of the centre.

(2) The court by which a juvenile justice centre order is made shall cause a record, containing such information in the possession of the court with respect to the child as is in the opinion of the court likely to be of assistance to the managers of the centre, to be sent to the managers or to the person for the time being in charge of the centre.

(3) Where a child has been ordered to be sent to a juvenile justice centre, any person who harbours or conceals him after the time has come for him to go to the centre shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.

(4) Where a constable or other person authorised to take a child to a juvenile justice centre is, when the time has come for him to go to the centre, unable to find him or unable to obtain possession of him, a justice of the peace, if satisfied by complaint on oath that there is a reasonable ground for believing that some person named in the complaint can produce the child, may issue a summons requiring the person so named to attend at a court of summary jurisdiction on such day as may be specified in the summons and produce the child.

(5) If the person required by the summons to produce the child fails without reasonable excuse to do so, he shall, in addition to any other liability to which he may be subject under the provisions of this Order, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Effect of juvenile justice centre order where care order is in force**

43. <sup>F11</sup> .....

**F11** Art. 43 repealed (8.6.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(3), 99(3), 102(2), Sch. 6 Pt. 2

**Effect of subsequent conviction where juvenile justice centre order is in effect**

44.—(1) Where a person in respect of whom a juvenile justice centre order is in effect is convicted by or before a court of an offence<sup>F12</sup> and the court imposes a custodial sentence on the child for the offence], the court shall—

- (a) revoke the order; and
- (b) in passing sentence for the offence take into account the period for which, but for the revocation, the order would have continued in effect.

(2) Where in such a case the court decides to make a juvenile justice centre order, Article 39 shall have effect as if—

- (a) in paragraph (2) for the words from “a period of six months” to “two years” there were substituted the words “such period not exceeding two years as the court specifies in the order”;
- (b) in paragraph (5) for the words “one half of the period of the order” there were substituted “such part of the period of the order as the court specifies in the order”.

**F12** 2002 c. 26

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**Changes to legislation:** There are currently no known outstanding effects for the *The Criminal Justice (Children) (Northern Ireland) Order 1998*, Cross Heading: *Juvenile justice centre orders*. (See end of Document for details)

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..... F13

**F13** prosp. insertion by [2002 c. 26](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Cross Heading: Juvenile justice centre orders.