

---

STATUTORY INSTRUMENTS

---

**2008 No. 1216**

**The Criminal Justice (Northern Ireland) Order 2008**

**PART 5**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Youth justice*

**Rehabilitation of offenders**

**95.**—(1) In Article 6(6) of the [Rehabilitation of Offenders \(Northern Ireland\) Order 1978 \(NI 27\)](#) (rehabilitation period for certain orders) after sub-paragraph (c) insert—

- “(d) a reparation order under Article 36A of that Order of 1998;
- (e) a community responsibility order under Article 36E of that Order of 1998;
- (f) a youth conference order under Article 36J of that Order of 1998;”.

(2) Paragraph (1) has effect for determining the rehabilitation period in respect of offences committed before, as well as after, the commencement of this Article.

(3) In Schedule 13 to the Justice (Northern Ireland) Act 2002 (c. 26) (repeals and revocations) omit the entry relating to Article 6(6)(c) of the Rehabilitation of Offenders (Northern Ireland) Order 1978

**Custody of children over the age of 17**

**96.**—(1) The [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#) is amended as follows.

(2) In Article 13(1)(b) for “paragraph (1B)” substitute “paragraphs (1B) and (1BB)”.

(3) In Article 13 after paragraph (1B) insert—

“(1BB) In the case of a child who has attained the age of 17, the court shall make an order committing the child to a juvenile justice centre (and not to a young offenders centre) 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) In Article 39 for paragraph (3A) substitute—

“(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.”.

### **Remands by youth court**

**97.** For Article 30A of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#) substitute—

#### **“Power of youth court in relation to remands**

**30A.** A youth court shall not be required to adjourn any proceedings for an offence at any stage by reason only of the fact—

- (a) that the court commits the accused for trial for another offence; or
- (b) that the accused is charged with another offence.”.

### **Youth conference orders**

**98.**—(1) Article 36J of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#) (youth conference orders) is amended as follows.

(2) After paragraph (2) insert—

“(2A) Unless revoked, a youth conference order remains in force until the offender has complied with the requirements mentioned in paragraph (2)(a) or (as the case may be) (b).”

### **Welfare of children**

**99.**—(1) The [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#) is amended as follows.

(2) In Article 33 (power of court to notify appropriate authority if child’s welfare requires it) for the words from “and a court—” to “if the court” substitute “the court before which he is charged may, if it”.

(3) Omit Article 43 (effect of juvenile justice centre order where care order is in force).