
DRAFT STATUTORY INSTRUMENTS

1998 No.

Criminal Justice (Children) (Northern Ireland) Order 1998

PART VI

SENTENCING AND OTHER POWERS

Attendance centre orders

Attendance centre orders

37.—(1) Where any court has power, or would but for section 1 of the Treatment of Offenders Act (Northern Ireland) 1968 or Article 47 have power, to impose imprisonment on a child or to deal with a child under Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 for failure to comply with any of the requirements of a community order, the court (subject to Articles 32(1) and 45(1)) may, if the clerk of the court has been notified by the Secretary of State that an attendance centre is available for the reception of children from that court, order the child to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.

(2) The aggregate number of hours for which a child may be required to attend at an attendance centre by virtue of an attendance centre order—

- (a) shall not be less than 12 except where he is under the age of 14 and the court is of the opinion, having regard to his age or any other circumstances, that 12 hours would be excessive; and
- (b) shall not exceed 12 except where the court is of the opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case shall not exceed 24 hours.

(3) A court shall not make an attendance centre order unless it is satisfied that the attendance centre to be specified in the order is reasonably accessible to the child concerned, having regard to his age, the means of access available to him and any other circumstances.

(4) The times at which a child is required to attend at an attendance centre under this Article shall be such as to avoid interference, so far as practicable, with his school hours or working hours.

(5) The first time at which a child is required to attend shall be specified in the order (being a time at which the centre is available for the attendance of the child in accordance with the notification of the Secretary of State) and the subsequent times shall be fixed by the officer in charge of the centre, having regard to the child's circumstances.

(6) A child shall not be required under this Article to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.

(7) A court may make an attendance centre order in respect of a child before a previous attendance centre order in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—

- (a) to the number specified in the previous order; or
- (b) to the fact that that order is still in effect.

(8) Where a court makes an attendance centre order, 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 order; and
- (b) the child; and
- (c) his parent or guardian.

(9) Where a child has been ordered to attend at an attendance centre in default of the payment of any sum of money, then—

- (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
- (b) on the payment of a part of the sum to any such person, the total number of hours for which the child is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the whole sum.

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.