
DRAFT STATUTORY INSTRUMENTS

1998 No.

Criminal Justice (Children) (Northern Ireland) Order 1998

PART VI

SENTENCING AND OTHER POWERS

Miscellaneous

Limitation on punishment for contempt of court or default of payment of fine, etc.

47.—(1) A child shall not be ordered to be detained in custody—

- (a) for contempt of court; or
- (b) in default of payment of a fine, costs, damages or compensation.

(2) Paragraph (1) shall not apply in the case of a child who has attained the age of 16 if the court certifies that his behaviour is such that no other method of dealing with him is appropriate.

Power of courts on committal of offender

48.—(1) Where a child would, if he were an adult, be liable to be committed to prison for any default, the court shall, in addition to any other powers exercisable by virtue of any other statutory provision (including a provision of this Order), have power to commit him to custody in a young offenders centre if he has attained the age of 16 and the court considers that no other method of dealing with him is suitable.

(2) The term for which a child may be committed to custody in a young offenders centre under this Article shall not exceed the maximum term for which he could (or could if he were an adult) have been committed to prison and shall not on any occasion exceed one month.

(3) This Article applies in relation to the fixing of a custodial sentence to be served in the event of default of payment of a fine or other sum of money as it applies in relation to committal to prison in default of such payment.

(4) Where a court commits a child to custody in a young offenders centre under this Article and at the time the warrant issued by the court for that committal falls to be executed the child is detained in any other place pursuant to the directions of the Secretary of State under Article 45, that committal shall have effect as if it were a committal to that other place in which he is detained.

(5) In this Article “default” means failure to pay, or want of sufficient distress to satisfy, any fine or other sum of money, or failure to do or abstain from doing anything required to be done or left undone.

Duty of parent or guardian to notify change of address

49.—(1) The parent or guardian of a child who is subject to an attendance centre order shall keep the officer in charge of the centre informed of the parent or guardian’s address.

(2) The parent or guardian of a child who is subject to a juvenile justice centre order shall keep the managers of the centre informed of the parent or guardian's address.

(3) Where a child is transferred from one juvenile justice centre to another, the managers of the centre from which he is transferred shall, where possible, inform his parent or guardian of the transfer; and until his parent or guardian has been so informed, the parent's or guardian's duty under paragraph (2) shall be deemed to be duly discharged if he keeps the managers of the first-mentioned centre informed of his address.

(4) A parent or guardian of a child who, knowing that that child is subject to an attendance centre order or a juvenile justice centre order, contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) In any proceedings under paragraph (4) it shall be a defence for a parent to prove that he was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the officer in charge of the attendance centre or the managers of the juvenile justice centre informed of the address of both.