
DRAFT STATUTORY INSTRUMENTS

1998 No.

Criminal Justice (Children) (Northern Ireland) Order 1998

PART VI

SENTENCING AND OTHER POWERS

Preliminary

Remission by other courts of offenders to youth courts

32.—(1) Any court by or before which a child is found guilty of an offence other than homicide,—

- (a) if it is a magistrates' court other than a youth court shall; and
- (b) if it is a court other than a magistrates' court may,

remit the case to a youth court acting for the place where the child was committed for trial, or, if he was not committed for trial, to a youth court acting either for the same place as the remitting court or for the place where the child resides.

(2) Where any case is remitted under paragraph (1), the child shall be brought before a youth court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(3) Where any case is remitted under paragraph (1)—

- (a) the child shall have the same right of appeal against any order of the court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission; and
- (b) any appeal against the finding of guilt shall, if the finding was made by a youth court or other court of summary jurisdiction, be made to the county court having jurisdiction to hear an appeal under sub-paragraph (a).

(4) A court by which an order remitting a case to a youth court is made under paragraph (1)—

- (a) may give such directions as appear to be necessary with respect to the custody of the child or for his release on bail until he can be brought before the youth court; and
- (b) shall cause to be transmitted to the clerk of the youth court a certificate stating—
 - (i) the nature of the offence;
 - (ii) that the child has been found guilty of the offence; and
 - (iii) that the case has been remitted for the purpose of being dealt with under this Article.

Power to notify appropriate authority if child's welfare requires it

33. Where a child is charged with an offence and a court—

- (a) finds him not guilty; or
- (b) finds him guilty but does not pass a custodial sentence or a community sentence,

the court may, if the court considers that his welfare requires it, notify the appropriate authority of such matters as the court thinks fit.