

**Changes to legislation:** Criminal Justice Act 1991, Paragraph 10 is up to date with all changes known to be in force on or before 01 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

##### Commencement Information

**II** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

### PART III

#### TRANSFER OF PROBATION ORDERS FROM NORTHERN IRELAND

##### Commencement Information

**II** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

- 10 (1) Where <sup>F1</sup>... a court in Northern Ireland considering the making of a probation order is satisfied that the offender resides in England and Wales, or will be residing there when the order comes into force, [<sup>F2</sup>Article 10 of the Criminal Justice (Northern Ireland) Order 1996] (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—

“(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the probation committee for the area which contains the [<sup>F3</sup>local justice area] in which he resides or will reside.”

- (2) Where a probation order has been made by a court in Northern Ireland and—
- (a) a court of summary jurisdiction <sup>F4</sup>... is satisfied that the offender <sup>F5</sup>... proposes to reside or is residing in England and Wales; and
- (b) it appears to the court that suitable arrangements for his supervision can be made by
- [<sup>F6</sup>(i) the local probation board for the area which contains the local justice area in which he resides or will reside or (as the case may be) a provider of probation services operating in the local justice area in which he resides or will reside, or
- (ii) a youth offending team established by a local authority for the area in which he resides or will reside,]

the power of the court to amend the order under Schedule 2 to the [<sup>F7</sup>Criminal Justice (Northern Ireland) Order 1996] shall include power to amend it by requiring him to be supervised in accordance with arrangements so made [<sup>F8</sup>or (as the case may

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be) by a provider of probation services operating in the local justice area in which he resides or will reside] .

(3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, [<sup>F9</sup>Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996] shall have effect as if—

- (a) any reference to a probation officer were a reference to
  - [<sup>F10</sup>(i) an officer of a local probation board assigned to the local justice area in England and Wales in which the offender resides or will be residing when the order or amendment comes into force or (as the case may be) an officer of a provider of probation services acting in the local justice area in which the offender resides or will then be residing, or
  - (ii) a member of a youth offending team established by a local authority for the area in England and Wales in which the offender resides or will then be residing;]
- (b) the reference in [<sup>F11</sup>paragraph 4(3)] to treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the <sup>M1</sup>Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health and Social Services for Northern Ireland for the purposes of that section were a reference to treatment as a resident patient in a [<sup>F12</sup>hospital or mental nursing home within the meaning of the Mental Health Act 1983, not being hospital premises at which high security psychiatric services within the meaning of that Act are provided];
- (c) the reference in [<sup>F13</sup>paragraph 2(5)] to the Probation Board for Northern Ireland were a reference to the [<sup>F14</sup>local probation board] for the area in which the premises are situated [<sup>F15</sup>or to the provider of probation services operating in the local justice area in which the premises are situated]; and
- (d) [<sup>F16</sup> in paragraph 3 “day centre” meant] a [<sup>F17</sup>community rehabilitation centre] within the meaning of [<sup>F18</sup>section 201 of the Criminal Justice Act 2003][<sup>F19</sup>or an attendance centre provided under section 221 of that Act].

(4) A probation order made or amended in accordance with this paragraph shall specify the [<sup>F20</sup>local justice area] in England and Wales in which the offender resides or will be residing when the order or amendment comes into force.

#### Textual Amendments

- F1** Words in Sch. 3 para. 10(1) repealed (1.1.1998) by [S.I. 1996/3161](#), [art. 2\(d\)\(i\)](#); [S.R. 1997/523](#), [art. 3](#)
- F2** Words in Sch. 3 para. 10(1) substituted (1.1.1998) by [S.I. 1996/3161](#), [art. 2\(d\)\(ii\)](#); [S.R. 1997/523](#), [art. 3](#)
- F3** Words in Sch. 3 para. 10(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 48\(a\)](#)
- F4** Words in Sch. 3 para. 10(2)(a) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), [s. 106\(2\)](#), [Sch. 1 para. 99](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), [art. 2\(k\)\(m\)](#) (with [art. 3](#))
- F5** Words in Sch. 3 para. 10(2) repealed (1.1.1998) by [S.I. 1996/3161](#), [art. 2\(d\)\(iii\)](#); [S.R. 1997/523](#), [art. 3](#)
- F6** Words in Sch. 3 para. 10(2)(b) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 6\(2\)](#), [153](#), [Sch. 4 para. 40\(2\)](#) (with [Sch. 27](#), [paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(f\)\(p\)\(v\)](#)
- F7** Words in Sch. 3 para. 10(2) substituted (1.1.1998) by [S.I. 1996/3161](#), [art. 2\(d\)\(iv\)](#); [S.R. 1997/523](#), [art. 3](#)
- F8** Words in Sch. 3 para. 10(2)(b) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [art. 3](#), [Sch. 1 para. 9\(5\)\(a\)\(i\)](#)

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- F9** Words in Sch. 3 para. 10(3) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(v)**; S.R. 1997/523, **art. 3**
- F10** Words in Sch. 3 para. 10(3)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 40(3)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F11** Words in Sch. 3 para. 10(3)(b) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(vi)**; S.R. 1997/523, **art. 3**
- F12** Words in Sch. 3 Pt. III para. 10(3)(b)(d) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(2)(a)(b)**
- F13** Words in Sch. 3 para. 10(3)(c) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(vii)**; S.R. 1997/523, **art. 3**
- F14** Words in Sch. 3 Pt. III para. 10(2)(b)(3)(c) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 111(a)(i)**; S.I. 2001/919, **art. 2(f)(ii)**
- F15** Words in Sch. 3 para. 10(3)(c) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 9(5)(a)(iii)**
- F16** Words in Sch. 3 para. 10(3)(d) substituted (E.W.N.I.) (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, {Sch. 26 par. 29(6)(a)(7)}; S.I. 2008/2712, **art. 2**, Sch. para. 18(b) (subject to arts 3, 4)
- F17** Words in Sch. 3 Pt. III para. 10(3)(a)(d) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 111(a)(ii)(iii)**; S.I. 2001/919, **art. 2(f)(ii)**
- F18** Words in Sch. 3 para. 10(3)(d) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 304, {Sch. 32 Pt. 1 para. 64(2)}; S.I. 2005/950, **art. 2(1)**, Sch. 1 (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))
- F19** Words in Sch. 3 para. 10(3)(d) inserted (E.W.N.I.) (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, {Sch. 26 par. 29(6)(b)(7)}; S.I. 2008/2712, **art. 2**, Sch. para. 18(b) (subject to arts 3, 4)
- F20** Words in Sch. 3 para. 10(4) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(a)**

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#### Commencement Information

- I1** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.
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#### Marginal Citations

- M1** S.I. 1972/1265 (N.I. 14).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))