

# JUSTICE (NORTHERN IRELAND) ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY

#### Part 4: Youth Justice

#### New Orders

#### *Section 54: Reparation orders*

99. This section amends the 1998 Order by adding to that Order a number of Articles dealing with reparation orders.
100. A reparation order is a new sentence available to courts dealing with child offenders in Northern Ireland. The reparation ordered to be made by the child would be either to the victim of the offence or some other person affected by it or to the community at large. It would be for the court to decide to whom the reparation is to be made and what form it should take in any individual case. Forms of reparation will be as varied as the offences in respect of which they are imposed, but reparation could take the form of repairing property in cases of property damage or some worthwhile community work. A reparation order must not require the offender to carry out activities for more than 24 hours and the reparation must be made within 6 months of the order being made (new Article 36C(1)(a) and (3)(b)).
101. The court cannot make a reparation order unless the offender and, where reparation is to be made to a person, that person consent (new Articles 36B(1) and 36C(1)(b)). The effect of new Article 36B(2) and new Article 36J(8) (see section 60) is that a reparation order may only be combined with an attendance centre order, probation order or fine. By virtue of new Article 36A(4) and (5), before making a reparation order, the court must obtain a report indicating the type of activity suitable for the offender and the attitude of the victim or victims of the offence to the requirements proposed to be included in the order. The court must also obtain a pre-sentence report before imposing a reparation order, unless it considers it unnecessary in the circumstances (see the amendment to Article 9(3) of the [Criminal Justice \(Northern Ireland\) Order 1996 \(S.I. 1996/3160 \(NI 24\)\)](#) (the “1996 Order”), made by [paragraph 56](#) of Schedule 12).
102. Reparation orders are a “community sentence” within the meaning of Article 2(2) of the 1996 Order (by virtue of the amendment made to that Order by [paragraph 55\(2\)](#) of Schedule 12). New Article 36B(4) requires that the court, before making a reparation order, must state in open court that it is of the opinion that Article 8(1) of the 1996 Order applies and why it is of that opinion. This means that the court must be satisfied that the offence, or the combination of the offence and one or more other offences associated with it, was serious enough to warrant a reparation order. The concept of offences associated with other offences is defined in Article 2(7) of the 1996 Order<sup>1</sup>. Provision for dealing with breach of a reparation order and for the revocation or amendment of an order is made in Schedule 10 (which adds a new Schedule 1A to the 1998 Order). Under

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<sup>1</sup> Applied by Article 2(5) of the 1998 Order, inserted by [paragraph 67\(9\)](#) of Schedule 12.

*These notes refer to the Justice (Northern Ireland) Act  
2002 (c.26) which received Royal Assent on 24th July 2002*

Article 36C(5) and (6) the Secretary of State may make rules regulating the making of reparation by persons subject to reparation orders. These may regulate the functions of responsible officers (defined in new Article 36D(2)) and limit the number of hours of making reparation on any one day as well as setting the requirement for keeping records of such hours.