



# Treatment of Offenders Act (Northern Ireland) 1968

## 1968 CHAPTER 29

An Act to amend the law with respect to the treatment of offenders; and for purposes connected with the matters aforesaid. [12th December 1968]

### Modifications etc. (not altering text)

- C1** Act: functions transferred from Secretary of State to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(1)(2), [Sch. 1](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

## PART I

### PROVISIONS WITH RESPECT TO SENTENCES ON AND DETENTION OF YOUNG OFFENDERS

#### RESTRICTIONS ON IMPRISONMENT

#### **1 Restrictions on imprisonment.**

- (1) Subject to subsections (2) and (3), and without prejudice to any other enactment prohibiting or restricting the imprisonment of persons of or below a specified age, a court shall not pass a sentence of imprisonment on, or commit to prison for any default, a person who has not attained twenty-one years of age.
- (2) Nothing in subsection (1) shall affect the power of a court to pass a sentence of imprisonment (where the court has power to pass such a sentence) for a term of<sup>F1</sup> more than four years].
- (3) Subsection (1) shall not apply in the case of a person who is serving a sentence of imprisonment at the time when the court passes sentence ...<sup>F2</sup>.

*Changes to legislation: There are currently no known outstanding effects for the  
 Treatment of Offenders Act (Northern Ireland) 1968. (See end of Document for details)*

- (4) Nothing in subsection (1) shall affect the power of the Minister of Home Affairs<sup>F3</sup> (in this Act referred to as “the Minister”) to commute to a term of imprisonment—

*Para. (a) rep. by 1980 NI 10*

- (b) a term of detention in a young offenders centre under section 7(1)( b) of this Act.

<b>F1</b>	1989 NI 15
<b>F2</b>	1976 NI 4
<b>F3</b>	Functions transf., SI 1973/2163

## INSTITUTIONS FOR OFFENDERS

### 2 **Young offenders centres and remand centres.**

The powers exercisable by the Ministry of Home Affairs<sup>F4</sup> (in this Act referred to as “the Ministry”) under the Prison Act shall include the provision, maintenance, administration, regulation and management of—

- (a) [<sup>F5</sup>young offenders centres, that is to say, places—
- (i) in which offenders, who have been ordered to be detained therein under any enactment, may be kept for suitable training and instruction; and
  - (ii) in which persons not less than<sup>F6</sup> fifteen] but under 21 years of age who are either remanded in custody or committed in custody for trial may be detained in accordance with any enactment.]
- (b) remand centres, that is to say, places—
- (i) for the detention of persons not less than<sup>F6</sup> fifteen] but under twenty-one years of age who are either remanded or committed in custody for trial; and
  - (ii) for the detention for any temporary purpose, or for the purpose of providing maintenance, domestic and other services for that centre, of any persons required to be detained in an institution to which the Prison Act applies; and
- (c) facilities in remand centres for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case;

and accordingly, that Act shall have effect in relation to young offenders centres and remand centres and to persons detained therein as it has effect in relation to prisons and prisoners,<sup>F7</sup> . . .

<b>F4</b>	Functions transf., SI 1973/2163
<b>F5</b>	1989 NI 15
<b>F6</b>	1998 NI 9
<b>F7</b>	2005 NI 15

*S. 3 rep. by 2005 NI 15*

#### 4 Exercise of powers of release.

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act applies may be exercised notwithstanding that he is not for the time being detained in that prison or institution and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that prison or institution.

### YOUNG OFFENDERS CENTRES

#### [<sup>F8</sup>5 Detention in a young offenders centre.

(1) Where—

- (a) a person of not less than sixteen but under twenty-one years of age has been convicted (whether summarily or on indictment) of an offence which is punishable with imprisonment in the case of a person aged twenty-one years or over; and

- (b) the court considers that he should serve a term of detention,

the court may, subject to [<sup>F9</sup> Article 47 of the Criminal Justice (Children) (Northern Ireland) Order 1998], order him to be detained in a young offenders centre for a term which shall not exceed—

- (i) the maximum term of imprisonment which the court could impose for the offence in the case of a person aged twenty-one years or over; or
- (ii) four years,

whichever is the lesser.

(2) Where the court orders a person to be detained in a young offenders centre under subsection (1) for a term which exceeds—

- (a) eighteen months, in the case of a person who has previously served a sentence of imprisonment or a term of detention in a young offenders centre;
- (b) six months, in any other case,

it shall state the reason and cause it to be entered in the record of the proceedings along with the sentence.

(3) Where—

- (a) a person of not less than sixteen but under twenty-one years of age has been guilty of any default for which the court could, if he were aged twenty-one years or over, commit him to prison; and

- (b) the court considers that he should serve a term of detention,

the court may, subject to [<sup>F9</sup> [<sup>F10</sup> Article 46C] of the Criminal Justice (Children) (Northern Ireland) Order 1998], order him to be detained in a young offenders centre for a term not exceeding that for which, if he were aged twenty-one years or over, he could be committed to prison.

(4) Where a court orders a person to be detained in a young offenders centre, it may order that the term of that detention shall commence on the expiration of any other term of detention ordered by that or any other court.

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- (5) Where the Crown Court orders a person to be detained in a young offenders centre for two or more terms of detention to run consecutively, the aggregate of those terms shall not exceed four years.
- (6) Where a magistrates' court orders a person to be detained in a young offenders centre for two or more terms of detention to run consecutively, the aggregate of those terms shall not exceed—
- (a) except as provided by paragraph (b) or any other enactment, twelve months;
  - (b) in the case of terms of detention in respect of indictable offences tried summarily, eighteen months.]

**F8** 1989 NI 15

**F9** 1998 NI 9

**F10** Words in s. 5(3) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), ss. **30(6)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

*S. 6 rep. by 1976 NI 4*

## **7 Transfer of young offenders between institutions.**

- (1) The Minister may direct that a person under twenty-one years of age detained in a young offenders centre—

*Para. (a) rep. by 1980 NI 10*

- (b) be transferred to a prison, where<sup>[F11]</sup> it appears to the Secretary of State that that person is incorrigible or is] exercising a bad influence on the other inmates of the centre; and the Minister may commute the unexpired part of the term for which that person is then liable to be so detained to a term of imprisonment equivalent to the said unexpired part, and for the purposes of the Prison Act and this Act that person shall be treated as if he had been sentenced to imprisonment or committed to prison and detained in prison from the date on which his sentence began to run or, as the case may be, of his committal.

*Subs. (2) rep. by 1980 NI 10*

- (3) The Minister may, in the case of any person who is under twenty-one years of age and who is serving a sentence of imprisonment under which he would not normally be released within the three months then next following or who has been committed to prison, transfer that person to a young offenders centre and upon such transfer such person may be detained for a term equal to the unexpired part of his sentence or, as the case may be, of his committal; and for the purposes of the Prison Act and this Act, he shall be treated as if he had been ordered to be detained in a young offenders centre and detained in such centre from the date on which his period of detention began to run.

*Subs. (4) rep. by 1980 NI 10*

**F11** 2005 NI 15

## 8 Transfer to prison of persons over twenty-one and maximum age for detention in a young offenders centre.

- (1) Subject to the provisions of this section, where a person ordered to be detained in a young offenders centre has attained the age of twenty-one years, the Minister may transfer him to prison.
- (2) No person shall be detained in a young offenders centre after he has attained the age of<sup>F12</sup> twenty-four], and accordingly any person so detained shall, not later than the day immediately preceding his<sup>F12</sup> twenty-fourth] birthday, be transferred to prison; but this subsection shall not apply to any person who is detained in a young offenders centre—

*Para. (a) rep. by 1976 NI 4; 1980 NI 10*

- (b) in pursuance of an order made by a court under ...<sup>F13</sup> [<sup>F14</sup> ...<sup>F13</sup> Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976 ].

- (3) Where a person has been transferred to prison under this section, he shall be treated for the purposes of the Prison Act and this Act as if the order for detention made in relation to him were a sentence of imprisonment or an order of committal, and as if he had been detained in prison from the date on which his sentence began to run or, as the case may be, of his committal.

**F12** 1989 NI 15

**F13** 1980 NI 10

**F14** 1976 NI 4

## REMAND CENTRES

## 9 Remand and committal of persons under twenty-one.

- (1) Where a court either remands or commits for trial a person<sup>F15</sup> not being less than seventeen but] under twenty-one years of age who is charged with or convicted of an offence and is not released on bail,<sup>F15</sup> . . . he shall be committed to a remand centre instead of being committed to prison;

*Para. (b) rep. by 1998 NI 9*

*Subs. (2) rep. by 1980 NI 10*

*Subs. (3) rep. by 1998 NI 9*

**F15** 1998 NI 9

*Ss. 10#13 rep. by SLR 1980; 1980 NI 10*

*S. 14(1)(2) rep. by SLR 1980; subs. (3) rep. by 1980 NI 10; subs. (4) spent; subs. (5) rep. by 1980 NI 10*

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## PART II

### FURTHER PROVISIONS WITH RESPECT TO TREATMENT OF OFFENDERS

*Ss. 15#17 rep. by 1976 NI 14*

#### SUSPENDED SENTENCES

#### **18 Suspended sentence of imprisonment or order for detention in a young offenders centre.**

[<sup>F16</sup>(1 <sup>F17</sup> A court which—

- (a) passes a sentence of imprisonment for a term of not more than two years for an offence which is not a serious offence within the meaning of subsection (1B); or
- (b) makes an order for detention in a young offenders centre for a term of not more than two years for such an offence,

may order that the sentence or order for detention shall not take effect unless, during the period specified in the order, being not less than one year or more than three years from the date of the order, the offender commits in Northern Ireland another offence punishable with imprisonment in the case of a person aged twenty-one years or over, and thereafter a court having power to do so orders under section 19 that the original sentence or order for detention shall take effect.

(1A <sup>F17</sup> A court which—

- (a) passes a sentence of imprisonment for a term of not more than seven years for a serious offence within the meaning of subsection (1B); or
  - (b) makes an order for detention in a young offenders centre for such an offence,
- may order that the sentence or order for detention shall not take effect unless, during the period specified in the order, being not less than one year or more than five years from the date of the order, the offender commits in Northern Ireland another offence punishable with imprisonment in the case of a person aged twenty-one years or over, and thereafter a court having power to do so orders under section 19 that the original sentence shall take effect.

(1B) In—

- (a) subsections (1) and (1A) “serious offence” means an offence for which a person aged twenty-one years or over may, on conviction on indictment, be sentenced to imprisonment for a term of five years or more; and
- (b) this section and sections 19 to 21 “operational period” in relation to a suspended sentence or order for detention means the period specified in the order under subsection (1) or, as the case may be, (1A).]

<sup>F17</sup>(2) A court which passes or makes a suspended sentence or order for detention on or in relation to any person for an offence shall not make a probation order in his case in respect of another offence—

- (a) of which he is convicted by or before that court; or
- (b) for which he is dealt with by that court;

at the same time.

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- (3) On passing or making a suspended sentence or order for detention the court shall explain to the offender in ordinary language his liability under section 19 if during the operational period he commits an offence<sup>[F16]</sup> punishable with imprisonment in the case of a person aged twenty-one years or over].

*Subs. (4) rep. by 1980 NI 10*

- (5) Subject to any provision to the contrary contained in this Act or any enactment passed or instrument made under any enactment after the commencement of this Act—
- (a) a suspended sentence or order for detention which has not taken effect under section 19 shall be treated as a sentence of imprisonment, or as the case may be, an order for detention in a young offenders centre for the purposes of all enactments and instruments made under enactments except any enactment or instrument which provides for disqualification for or loss of office of persons sentenced to imprisonment; and
  - (b) where a suspended sentence or order for detention has taken effect under that section the offender shall be treated for the purposes of the said excepted enactments and instruments as having been convicted on the date on which the period allowed for making an appeal against an order under that section would normally expire, or if such an appeal is made, the date on which it is finally disposed of or abandoned or fails for non-prosecution.

**F16** 1989 NI 15

**F17** prosp. insertion by 1996 NI 24

## **19 Power of court on conviction of further offence to deal with suspended sentence.**

<sup>F18</sup>(1) Where an offender is convicted of a subsequent offence<sup>[F19]</sup> punishable with imprisonment in the case of a person aged twenty-one years or over], and the offence was committed during the operational period of a suspended sentence or order for detention and either he is so convicted by or before a court having power under section 20 to deal with him in respect of the suspended sentence or order for detention or he subsequently appears or is brought before such a court, then, unless the sentence or order has already taken effect, the court shall consider his case and deal with him by one of the following methods—

- (a) the court may order that the suspended sentence or order for detention shall take effect with the original term unaltered;
- (b) it may order that the suspended sentence or order for detention shall take effect with the substitution of a lesser term for the original term;
- <sup>[F19]</sup>(c) it may by order vary the original order under section 18—
  - (i) where it was made under subsection (1) of that section, by substituting for the period specified therein a period expiring not later than three years from the date of the variation;
  - (ii) where it was made under subsection (1A) of that section, by substituting for the period specified therein a period expiring not later than five years from the date of the variation;]
- (d) it may make no order with respect to the suspended sentence or order for detention;

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and a court shall make an order under paragraph (a) unless the court is of opinion that it would be unjust to do so in view of all the circumstances<sup>F19</sup> . . . , including the facts of the subsequent offence and where it is of that opinion the court shall state its reasons.

- (2) Where a court orders that a suspended sentence or order for detention shall take effect, with or without any variation of the original term, the court may notwithstanding<sup>F19</sup> section 5(5) and (6) and<sup>F20</sup> Article 56 of the Magistrates' Courts (Northern Ireland) Order 1981] order that that sentence or order shall take effect immediately or that the term thereof shall commence on the expiration of another term of imprisonment or as the case may be, detention in a young offenders centre, passed or ordered on the offender by that or another court.
- (3) Where a court orders that an order for detention in a young offenders centre, which has been suspended by an order made under section 18(1)<sup>F19</sup> or (1A)] shall take effect, with or without variation of the original term, the court shall, if the offender has attained the age of twenty-one years or may, if he will have attained that age at the time when the said order for detention takes effect, order that the order for detention shall be treated as a sentence of imprisonment.
- (4) In proceedings for dealing with an offender in respect of a suspended sentence or order for detention which take place before [<sup>F21</sup> the Crown Court] any question whether the offender has been convicted of an offence<sup>F19</sup> punishable with imprisonment in the case of a person aged twenty-one years or over], committed during the operational period of the suspended sentence or order for detention shall be determined by [<sup>F21</sup> the judge of the Crown Court].
- (5) Where a court other than the court which passed the suspended sentence or order for detention deals with an offender under this section the appropriate officer of the first-mentioned court shall notify the appropriate officer of the second-mentioned court of the method adopted.
- (6) Where on consideration of the case of an offender a court makes no order with respect to a suspended sentence or order for detention, the appropriate officer of the court shall record that fact.
- (7) An order made by a magistrates' court under subsection (1) shall, for the purposes of<sup>F20</sup> Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981] (right of appeal), be deemed to be a sentence passed on conviction upon a plea of guilty and the period of fourteen days specified in<sup>F20</sup> Article 144(1) of that Order] shall be deemed to commence on the date when the order under subsection (1) was made.

<b>F18</b>	1964 c.21 (NI)
<b>F19</b>	1989 NI 15
<b>F20</b>	1981 NI 26
<b>F21</b>	1978 c.23

## 20 Court which shall deal with a suspended sentence or order for detention.

- (1) An offender may be dealt with in respect of a suspended sentence or order for detention by [<sup>F22</sup> the Crown Court or], where the sentence or order for detention was passed or made by a magistrates' court, by any magistrates' court before which he appears or is brought.

*Subs. (2) rep. by 1978 c. 23*



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- (3) Where an offender is convicted by a magistrates' court of an offence<sup>F23</sup> punishable with imprisonment in the case of a person aged twenty-one years or over] and the court is satisfied that the offence was committed during the operational period of a suspended sentence or order for detention passed or made by [<sup>F22</sup> the Crown Court]—
- (a) the court may commit him in custody or on bail to [<sup>F22</sup> the Crown Court] ...<sup>F24</sup> to be dealt with ...<sup>F24</sup> in respect of that sentence or order; and
  - (b) if it does not, shall furnish written notice of the conviction to the appropriate officer of the court by which the suspended sentence or order for detention was passed or made.

*Subs.(4) rep. by 1978 c.23*

- (5) For the purposes of this section and section 21 a suspended sentence or order for detention passed or made on or in relation to an offender on appeal shall be treated as having been passed or made by the court by which he was originally [<sup>F22</sup> tried].

**F22** 1978 c.23  
**F23** 1989 NI 15  
**F24** 1978 c.23

## 21 Discovery of further offences.

- (1) If an offender is convicted in Northern Ireland of an offence<sup>F25</sup> punishable with imprisonment in the case of a person aged twenty-one years or over], committed during the operational period of a suspended sentence or order for detention and it appears to a justice of the peace <sup>F26</sup>... that he has not been dealt with in respect of the suspended sentence or order for detention, the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, subject to the following provisions of this section, issue a warrant for his arrest.
- [<sup>F27</sup>(2) A summons under this section shall not be issued except on complaint; and a warrant under this section shall not be issued except on complaint in writing and on oath.
- (2A) Subsection (2) does not apply to a summons or warrant issued (by virtue of section 9(12) of the Justice (Northern Ireland) Act 2002) by a judge of the Crown Court acting in consequence of a notice under section 20(3) of this Act.]
- (3) A summons or warrant issued under this section shall direct the offender to appear or to be brought before the court by which the suspended sentence or order for detention was passed or made; but if a warrant is so issued requiring him to be brought before [<sup>F28</sup> the Crown Court] and he cannot forthwith be brought before that court because the court is not being held, the warrant shall have effect as if it directed him to be brought before a magistrates' court <sup>F29</sup>... and the latter court shall commit him in custody or on bail to [<sup>F28</sup> the Crown Court] ...<sup>F30</sup>.

**F25** 1989 NI 15  
**F26** Words in s. 21(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 61(a), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)  
**F27** 2002 c. 26  
**F28** 1978 c.23  
**F29** Words in s. 21(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 61(b), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

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**F30** 1978 c.23

## MISCELLANEOUS

### 22 Abolition of sentence of corporal punishment.

No person shall be sentenced by a court to corporal punishment, by whatever name called; and so far as any enactment confers power on a court to pass such a sentence, it shall cease to have effect.

*Ss. 23#25 rep. by 1996 NI 24*

### 26 Duration of sentence.

*Subs. (1) rep. by 1978 c. 23*

- (2) The length of any sentence of imprisonment or term of detention in a young offenders centre [F31 or sentence of detention under Article [F32 13A(6),] 14(5) [F33 or 15A(5)] of the Criminal Justice (Northern Ireland) Order 2008] imposed on or ordered in relation to an offender by a court shall be treated as reduced by any [F34 relevant period, but where he] was previously subject to a probation order [F35, a community service order], an order for conditional discharge or a suspended sentence or order for detention in respect of that offence, any such period falling before the order was made or the suspended sentence or order for detention was passed or made shall be disregarded for the purposes of this section.

[F34(2A) In subsection (2) “relevant period” means—

- (a) any period during which the offender was in police detention in connection with the offence for which the sentence was passed; or
- (b) any period during which he was in custody—
  - (i) by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose; or
  - (ii) by reason of his having been so committed and having been concurrently detained otherwise than by order of a court[F36; or
- (c) any period during which he was in custody in a category 1 territory with a view to his being extradited to the United Kingdom to be tried or sentenced for that offence (and not for any other reason).

In paragraph (c) “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.]]

- (3) For the purpose of this section a suspended sentence or order for detention shall be treated as a sentence of imprisonment or, as the case may be, an order for detention in a young offenders centre when it takes effect under section 19 and as being imposed or made by the order under which it takes effect.
- (4) No period of custody shall be taken into account for the purpose of reducing a term of imprisonment under this section unless the whole of that period begins after the commencement of this Act.

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(5) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment or order for detention in a young offenders centre shall, unless the context otherwise requires, be construed as a reference to the sentence or order pronounced by the court and not the sentence or order as reduced by this section.

[<sup>F34</sup>(6) A person is in police detention for the purposes of this section—

(a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence (Northern Ireland) Order 1989; and

(b) at any time when he is detained under [<sup>F37</sup> section 41 of the Terrorism Act 2000].

(7) No period of police detention shall be taken into account under this section unless it falls after the coming into operation of Article 49 of the Police and Criminal Evidence (Northern Ireland) Order 1989.]

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| <b>F31</b> | Words in s. 26(2) inserted (15.5.2009) by <a href="#">Criminal Justice (Northern Ireland) Order 2008 (Consequential Provision) Order 2009 (S.R. 2009/158)</a> , <b>art. 2(2)</b> |
| <b>F32</b> | Word in s. 26(2) inserted (29.6.2021) by <a href="#">Counter-Terrorism and Sentencing Act 2021 (c. 11)</a> , s. 50(2) (v), <b>Sch. 13 para. 61</b>                               |
| <b>F33</b> | Words in s. 26(2) inserted (30.4.2021) by <a href="#">Counter-Terrorism and Sentencing Act 2021 (c. 11)</a> , s. 50(1) (i), <b>Sch. 13 para. 67</b>                              |
| <b>F34</b> | 1989 NI 12   |
| <b>F35</b> | 1980 NI 6  |
| <b>F36</b> | Words in s. 26(2A) inserted (21.7.2014) by <a href="#">Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)</a> , <b>ss. 173(2), 185(1)</b> ; S.I. 2014/1916, art. 2(r)    |
| <b>F37</b> | 2000 c.11  |

*S. 27 rep. by 1982 NI 10*

## 28 Computation of term of imprisonment

*Subs. (1) rep. by 1980 NI 10*

(2) In any enactment which provides for a period during which a person is or is not detained in custody to be counted or not to be counted as part of any term of imprisonment under his sentence any reference to imprisonment shall be construed as including a reference to detention in a young offenders centre.

*S. 29 rep. by 1976 NI 4; 1978 c. 23; 1980 c. 47*

*S. 30 rep. by 1989 NI 15*

*S. 31 repeals s. 13(5) of 1953 c. 18 (NI)*

## PART III

### GENERAL

## 32 Financial provisions.

F38 .....

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*Changes to legislation:* There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968. (See end of Document for details)

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**F38** S. 32 omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 3(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### [<sup>F39</sup>32A Rules.

- (1) The Secretary of State may make rules for prescribing the procedure to be followed and the forms to be used for the purposes of proceedings under or in consequence of this Act.
- (2) Rules made under paragraph (1) shall be subject to [<sup>F40</sup>negative resolution].]

**F39** 1996 NI 24

**F40** Words in s. 32A(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 3(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

## 33 Interpretation.

- (1) In this Act—

“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;

“enactment” in sections 18(5), 26(5), 28(2) and 34 means any statutory provision within the meaning of paragraph (f) of section 1 of the Interpretation Act (Northern Ireland) 1954 ;

“the Minister” has the meaning assigned to it by section 1(4);

“the Ministry” has the meaning assigned to it by section 2;

“order for detention” means an order for detention in a young offenders centre made under section 5(1);

[<sup>F41</sup> “the Prison Act” means the Prison Act (Northern Ireland) 1953 ;]

“remand centre” has the meaning assigned to it by section 2( b);

“remand home” has the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950 <sup>F42</sup>;

“sentence” does not include a committal for default or the fixing of a term to be served in the event of default, or a committal or attachment for contempt of court;

“suspended sentence or order for detention” means a sentence or order for detention to which an order under section 18(1)[<sup>F43</sup> or (1A)] relates;

“young offenders centre” has the meaning assigned to it by section 2( a).

- (2) For the purposes of any reference in [<sup>F44</sup> the Prison Act and] this Act to a term of imprisonment or to a term of detention in a young offenders centre, consecutive terms or terms which are wholly or partly concurrent shall be treated as a single term[<sup>F45</sup> if—
  - (a) the sentences were passed on the same occasion; or
  - (b) where they were passed on different occasions, the person has not been released under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 at any time during the period beginning with the first and ending with the last of those occasions.]

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*Changes to legislation: There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968. (See end of Document for details)*

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- (3) Where the age of any person at any time is material for the purposes of any provision of this Act, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (4) For the purposes of any provisions of this Act referring to a person who is serving or has served a sentence of any description, the expression “sentence” includes—
- (a) in any case, a sentence of that description passed by a court in the British Islands; and
  - (b) in the case of imprisonment, a sentence passed by a court-martial [<sup>F46</sup> or a Standing Civilian Court established under the Armed Forces Act 1976 ] on a person found guilty of a civil offence (within the meaning of the Army Act 1955 , the Air Force Act 1955 or the Naval Discipline Act 1957 ).

**F41** 1980 NI 10

**F42** 1968 c.34 (NI)

**F43** 1989 NI 15

**F44** 1976 NI 4

**F45** S. 33(2)(a)(b) and preceding word added (15.5.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(1), **Sch. 5 para. 1**; S.R. 2008/217, **art. 2**, Sch. paras. 16, 18(a) (subject to art. 3)

**F46** 1976 c.52

### **34 Meaning of “imprisonment” in certain other Acts.**

For the purpose of all enactments and instruments made under enactments relating to disqualification for loss of office of persons sentenced to imprisonment an order for detention in a young offenders centre shall be deemed to be a sentence of imprisonment.

*S. 35(1), with Schedule 3, effects amendments; subs. (2) rep. by 1980 NI 10; subs. (3), with Schedule 5, effects repeals; subs. (4) rep. by 1980 NI 10*

### **36 Short title and commencement.**

- (1) This Act may be cited as the Treatment of Offenders Act (Northern Ireland)1968.
- (2) This section shall come into operation on the passing of this Act.
- (3) <sup>F47</sup> The provisions of this Act, other than this section, shall come into operation on such day or days as may be appointed by order made by the Minister.
- (4) Where an order is made under subsection (3) with respect to any provision of this Act, any reference in that provision to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

**F47** For appointed days see SRO (NI) 1969/3, 96; SR 1979/149

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**Changes to legislation:** There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968. (See end of Document for details)

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*Schedules 1, 2 rep. by 1976 NI 4*

*Schedule 3#Amendments.*

*Schedule 4 rep. by 1976 NI 4; 1980 NI 10*

*Schedule 5#Repeals*

**Changes to legislation:**

There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968.