

---

STATUTORY INSTRUMENTS

---

**1998 No. 1504**

**The Criminal Justice (Children) (Northern Ireland) Order 1998**

[<sup>F1</sup>PART 3A

DIVERSIONARY YOUTH CONFERENCES

F1 2002 c. 26

[<sup>F2</sup>Diversiónary youth conferences

**10A.**—(1) The Director may, where he considers it appropriate to do so, refer a case to a youth conference co-ordinator for him to convene a diversionary youth conference with respect to a child and an offence if—

- (a) the Director has the conduct of proceedings instituted against the child in respect of the offence (whether by him or any other person); or
- (b) he would (but for this Article) institute proceedings against the child in respect of the offence.

(2) A diversionary youth conference is a youth conference convened with a view to the making to the Director by a youth conference co-ordinator of one of the following recommendations—

- (a) that no further action be taken against the child in respect of the offence;
- (b) that proceedings against the child in respect of the offence be continued or instituted;
- (c) that the child be subject to a youth conference plan in respect of the offence.

(3) The Director must not make a reference under this Article unless the child—

- (a) admits to the Director that he has committed the offence; and
- (b) agrees with the Director that he will participate in a diversionary youth conference with respect to the offence.

(4) The Director must not make a reference under this Article unless—

- (a) he has been given notice by the Secretary of State that provision for youth conferences has been made for the area in which it appears to him that the child resides or will reside; and
- (b) the notice has not been withdrawn.

(5) If the Director makes a reference under this Article, proceedings against the child in respect of the offence may not be continued or instituted—

- (a) until he has received a report under Article 10C following the completion of the diversionary youth conference; or
- (b) if the diversionary youth conference is terminated before completion or does not take place, until he has received a report under Article 10B(1)(b).

(6) If a recommendation under paragraph (2) is made to the Director, he must consider whether to accept or reject it.

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, PART 3A. (See end of Document for details)*

(7) If the Director accepts a recommendation made under paragraph (2)(c), proceedings against the child in respect of the offence may not be continued or instituted unless the child has failed to comply with the requirements specified in the youth conference plan to a significant extent.

(8) In determining whether the child has failed to comply with the requirements specified in the youth conference plan to a significant extent the Director or a court must have regard to any report made by a youth conference co-ordinator under Article 10D with respect to the child and the youth conference plan.

(9) References in this Article to proceedings being continued against a child do not include adjournment of the proceedings or remanding the child on bail (or in custody).

(10) At any time after the Director makes a reference under this Article, he may require that, unless a court remands the child on bail (or in custody), it must adjourn any proceedings against the child in respect of the offence until such time (if any) as he continues the proceedings in accordance with this Article.

(11) At any time after the Director makes a reference under this Article but before such time (if any) as he continues proceedings against the child for the offence, a court may in the absence of the child—

- (a) adjourn or further adjourn the proceedings; and
- (b) where the child has been remanded on bail, order the child to be remanded on bail for such further period as may be deemed reasonable (in which case any recognisance requiring or conditioned for the appearance of the child before the court shall be deemed to be varied so as to require his appearance at the time and place to which he is so remanded).]

F2 2002 c. 26

### [<sup>F3</sup>References: supplementary

**10B.**—(1) If a child withdraws an admission or agreement made under Article 10A(3) before the diversionary youth conference is completed—

- (a) the diversionary youth conference is terminated (or, if not yet started, does not take place); and
- (b) a youth conference co-ordinator must make to the Director a written report stating that the child has withdrawn such an admission or agreement (and nothing else).

(2) The fact that a child has made or withdrawn such an admission or agreement is not admissible in any criminal proceedings as evidence that he committed the offence.

(3) If proceedings against a child in respect of an offence are continued or instituted by virtue of Article 10A(7), a court dealing with the child for the offence must have regard to anything done by the child in compliance with the requirements specified in the youth conference plan.

(4) Where there is a limit on the time for instituting proceedings in respect of an offence with respect to which a reference is made under Article 10A, in calculating when that limit is reached there shall be disregarded the period—

- (a) beginning with the making of the reference; and
- (b) ending with the receipt by the Director of a report under paragraph (1)(b) or Article 10C or 10D in consequence of the reference or, if more than one such report is so received, with the receipt of the last of them.

(5) For the purposes of Article 10A and this Article proceedings are instituted in respect of an offence—

- (a) where a summons is issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 (N.I. 26), when the complaint for the offence is made under that Article;
  - (b) where a warrant is issued for the arrest of any person under that Article, when the complaint for the offence is made under that Article;
  - (c) where a person is charged with the offence after being taken into custody without a warrant, when he is informed of the particulars of the charge; and
  - (d) where an indictment is presented under section 2 of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.)) in a case falling within paragraph (c) or (e) of subsection (2) of that section, when the indictment is presented to the court.
- (6) Where the application of paragraph (5) would result in there being more than one time for the institution of the proceedings, they are to be taken to have been instituted at the earliest of those times.]

F3 2002 c. 26

**[<sup>F4</sup>Recommendations: supplementary**

**10C.—**(1) A youth conference co-ordinator may not make a recommendation under Article 10A(2)(c) unless—

- (a) the child agrees to be subject to the youth conference plan;
- (b) any person (other than the child) by whom any action falls to be taken under the youth conference plan agrees to take the action; and
- (c) any person in relation to whom the child is required by the youth conference plan to take any action agrees to the taking of the action by the child.

(2) If a youth conference co-ordinator makes a recommendation under Article 10A(2)(b), he may also recommend anything which he could recommend to a court under paragraph (5) of Article 33A if the case had been referred by the court for him to convene a youth conference under that Article (after a finding that the child was guilty of the offence).

(3) A recommendation made to the Director by a youth conference co-ordinator under Article 10A(2) must be made in the form of a written report.

(4) If the recommendation is made under Article 10A(2)(c), the report must include details of the youth conference plan.

(5) If, after the completion of a diversionary youth conference, a youth conference co-ordinator is unable to make any recommendation under Article 10A(2), he must make a written report of that fact to the Director.]

F4 2002 c. 26

**[<sup>F5</sup>Plans: compliance and variation**

**10D.—**(1) This Article applies when the Director has accepted a recommendation made under Article 10A(2)(c).

(2) The date on which the child must begin to comply with the requirements specified in the youth conference plan is the date specified in the youth conference plan under Article 3C(6) or such other date as the Director may, with the consent of the youth conference co-ordinator, determine.

(3) A youth conference co-ordinator, or other person, nominated by the Secretary of State must monitor compliance by the child with the requirements specified in the youth conference plan.

---

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, PART 3A. (See end of Document for details)*

---

(4) If, during the period specified in the youth conference plan, the person required to monitor the child's compliance with the requirements specified in the youth conference plan considers that the child has not been complying with them, he must make a written report to the Director.

(5) The report must contain details of the respects in which he considers that the child has not been complying with the requirements.

(6) When the period specified in the youth conference plan ends, the person required to monitor the child's compliance with the requirements specified in the youth conference plan must make a written report to the Director.

(7) The report must contain—

- (a) an assessment of the extent (if any) to which he considers that the child has complied with the requirements specified in the youth conference plan; and
- (b) such further information as he thinks may assist in the exercise of the functions of the Director with respect to the child and the offence concerned.

(8) The person required to monitor the child's compliance with the requirements specified in the youth conference plan may, with the consent of the Director, vary the youth conference plan.

(9) But the youth conference plan may not be varied unless—

- (a) the child agrees to the variation;
- (b) if the variation relates to any action falling to be taken by any person (other than the child), that person agrees to the variation; and
- (c) if the variation relates to any action required to be taken by the child in relation to another person, that person agrees to the variation.

(10) The Secretary of State may pay the expenses incurred by a person who is not a youth conference co-ordinator in performing functions under this Article.]]

**F5** 2002 c. 26

**Status:**

Point in time view as at 03/04/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, PART 3A.