
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART II

TREATMENT OF OFFENDERS

Miscellaneous

Savings for mitigation and mentally disordered offenders

36.—(1) Nothing in this Part shall prevent a court from mitigating an offender's sentence by taking into account any such matters as, in the opinion of the court, are relevant in mitigation of sentence.

(2) Without prejudice to the generality of paragraph (1), nothing in this Part shall prevent a court—

- (a) from mitigating any penalty included in an offender's sentence by taking into account any other penalty included in that sentence; or
- (b) in a case of an offender who is convicted of one or more other offences, from mitigating his sentence by applying any rule of law as to the totality of sentences.

(3) Nothing in this Part shall be taken—

- (a) as requiring a court to pass a custodial sentence, or any particular custodial sentence, on a mentally disordered offender; or
- (b) as restricting any power (whether under the Mental Health (Northern Ireland) Order 1986 or otherwise) which enables a court to deal with such an offender in the manner it considers to be most appropriate in all the circumstances.