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STATUTORY INSTRUMENTS

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**1996 No. 3160**

**The Criminal Justice (Northern Ireland) Order 1996**

**<sup>F1</sup>PART II**

**TREATMENT OF OFFENDERS**

*Miscellaneous*

**Effect of previous convictions and of offending while on bail**

**37.**—(1) In considering the seriousness of any offence, the court may take into account any previous convictions of the offender or any failure of his to respond to previous sentences.

(2) In considering the seriousness of any offence committed while the offender was on bail, the court shall treat the fact that it was committed in those circumstances as an aggravating factor.

(3) A probation order or conditional discharge order made before 1 the coming into operation of this Part (which, by virtue of section 1 or 5 of the Probation Act (Northern Ireland) 1950, would otherwise not be a sentence for the purposes of this Article) is to be treated as a sentence for those purposes.

(4) A conviction in respect of which a probation order or an order discharging the offender absolutely or conditionally was made before the coming into operation of this Part (which, by virtue of section 8 of that Act, would otherwise not be a conviction for those purposes) is to be treated as a conviction for those purposes.

(5) A conditional discharge order made after the coming into operation of this Part (which, by virtue of Article 4 would otherwise not be a sentence for those purposes) is to be treated as a sentence for those purposes.

(6) A conviction in respect of which an order discharging the offender absolutely or conditionally was made after the coming into operation of this Part (which, by virtue of Article 6, would otherwise not be a conviction for those purposes) is to be treated as a conviction for those purposes.

**Changes to legislation:**

The Criminal Justice (Northern Ireland) Order 1996, Section 37 is up to date with all changes known to be in force on or before 11 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

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

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

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). It is thought that the correct affected document should be S.I. 1998/1504 (N.I. 9), art. 44A(4). The correction will be made as soon as we get the approved amended document from the relevant office)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)