

**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 1996, Cross Heading: Revocation of order with or without re-sentencing is up to date with all changes known to be in force on or before 16 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. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

#### ENFORCEMENT ETC. OF COMMUNITY ORDERS

#### PART III

#### REVOCATION OF ORDER

##### *Revocation of order with or without re-sentencing*

7.—(1) This paragraph applies where a relevant order [<sup>F1</sup>made by a magistrates' court] is in force in respect of any offender and, on the application of the offender or the responsible officer, it appears to a court of summary jurisdiction <sup>F2</sup>... that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—

- (a) that the order should be revoked; or
- (b) that the offender should be dealt with in some other manner for the offence in respect of which the order was made.

[<sup>F3</sup>(2) The court may—

- (a) revoke the order; or
- (b) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by the court of the offence.]

(3) The circumstances in which a probation order may be revoked under [<sup>F4</sup>sub-paragraph (2)(a)] shall include the offender's making good progress or his responding satisfactorily to supervision.

(4) In dealing with an offender under [<sup>F5</sup>sub-paragraph (2)(b)], a court of summary jurisdiction shall take into account the extent to which the offender has complied with the requirements of the relevant order.

(5) <sup>F6</sup>.....

(6) Where a court of summary jurisdiction proposes to exercise its powers under this paragraph otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

(7) No application may be made by the offender under sub-paragraph (1) while an appeal against the relevant order is pending.

**F1** Words in Sch. 2 para. 7(1) inserted (6.10.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **47(6)** ; S.R. 2008/383, **art. 2**, Sch. (subject to transitional provisions in art. 3)

**F2** Words in Sch. 2 para. 7(1) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 112(5)(d), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

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- F3** Sch. 2 para. 7(2) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(7); S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)
- F4** Words in Sch. 2 para. 7(3) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(8); S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)
- F5** Words in Sch. 2 para. 7(4) substituted (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(9); S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)
- F6** Sch. 2 para. 7(5) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(10), 102(2), Sch. 6 Pt. 1; S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)

**8.**—<sup>[F7]</sup>(1) This paragraph applies where —

- (a) a relevant order made by the Crown Court is in force in respect of an offender and the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other way for the offences in respect of which the order was made; or
- (b) an offender in respect of whom a relevant order is in force is convicted of an offence before the Crown Court.]

(2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—

- (a) revoke the order; or
- (b) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by or before the court of the offence.

(3) The circumstances in which a probation order may be revoked under sub-paragraph (2)(a) shall include the offender's making good progress or his responding satisfactorily to supervision.

(4) In dealing with an offender under sub-paragraph (2)(b), the Crown Court shall take into account the extent to which the offender has complied with the requirements of the relevant order.

<sup>[F8]</sup>(5) Where this paragraph applies by virtue of sub-paragraph (1)(a) and the Crown Court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

(6) No application may be made by the offender under sub-paragraph (1)(a) while an appeal against the relevant order is pending.]

- F7** Sch. 2 para. 8(1) substituted (6.10.2008) for Sch. 2 para. 8(1)(1A) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(11); S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)
- F8** Sch. 2 para. 8(5)(6) added (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(12); S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)

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**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.10](#)[Sch.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\(3\)](#)