
STATUTORY INSTRUMENTS

1998 No. 1504

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

[^{F1}PART 3A

DIVERSIONARY YOUTH CONFERENCES

[^{F1}]^{F2}Diversionsary 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- (b) the notice has not been withdrawn.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.

(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).]]

F1 [2002 c. 26](#)

F2 [2002 c. 26](#)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 10A.