
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

[^{F1}Custody care orders

PROSPECTIVE

[^{F1} Escape from secure accommodation

44C.—(1) If a child who has been ordered to be kept in secure accommodation under a custody care order—

- (a) escapes from secure accommodation in which he is being kept or from any hospital or institution in which he is receiving medical treatment;
- (b) being absent from secure accommodation on temporary leave of absence or under supervision, runs away from the person in whose charge he is or fails to return to the secure accommodation at the end of his leave; or
- (c) being absent from secure accommodation under supervision, fails to return to the secure accommodation on being recalled,

he may be arrested without warrant by a constable or any person authorised by the appropriate authority and taken to any secure accommodation, or (if he has attained the age of 14) to any juvenile justice centre, or returned to any hospital or institution from which he escaped or to any person in whose charge he was.

(2) A child arrested under paragraph (1) may at any time be brought with the authority of the [^{F2}Department of Justice] before a court of summary jurisdiction having jurisdiction where the child is found or where the secure accommodation, hospital or institution is situated.

(3) Where a child is brought before a court under paragraph (2), the court—

- (a) may order the period for which he is to be detained under the custody care order to be increased by a further period not exceeding 30 days; but
- (b) if it does not do that, shall revoke the custody care order and deal with the child in any manner in which the court could deal with him if he had just been found guilty of the offence by the court.

(4) In dealing with a child under paragraph (3)(b) the court shall take into account the period for which the custody care order would, but for its revocation, have continued in effect.

(5) If any person—

- (a) knowingly assists a child who escapes, runs away or fails to return as mentioned in paragraph (1) or knowingly induces any child to so escape, run away or fail to return;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 44C. (See end of Document for details)

- (b) without lawful authority takes a child away from any accommodation, hospital, institution or person as is mentioned in that paragraph; or
- (c) knowingly harbours or conceals a child who escapes, runs away or fails to return as mentioned in paragraph (1), or prevents him from returning,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding six months, or to both.]

- F1** Arts. 44A-44G and preceding cross-heading inserted (prosp.) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 56, 87\(1\)](#)
- F2** Words in art. 44C substituted by 2002 (c. 26), ss. 56, 87(1) (as amended (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 11, Sch. 13 para. 11\(2\)](#) (with arts. 28-31)); S.I. 2010/977, [art. 1\(2\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1504, art. 44C)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 44C.