
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

Grave crimes

Punishment of certain grave crimes

45.—(1) A person convicted of an offence who appears to the court to have been^[F1] a child] at the time the offence was committed shall not be sentenced to imprisonment for life nor shall a sentence of death be passed on him but the court shall instead (notwithstanding any other statutory provisions) sentence him to be detained during the pleasure of the ^[F2]Minister of Justice] in such place and under such conditions as the ^[F2]Minister of Justice] may direct.

(2) Where—

- (a) a child is convicted on indictment of any offence punishable in the case of an adult with imprisonment for fourteen years or more, not being an offence the sentence for which is fixed by law; and
- (b) the court is of the opinion that none of the other methods in which the case may be dealt with is suitable,

the court may sentence the child to be detained for such period as may be specified in the sentence; and where such a sentence has been passed the child shall, during that period, ^[F3]subject to Articles 46 to 46B], be liable to be detained in such place and under such conditions as the ^[F2]Minister of Justice] may direct.

^[F4](2A) Where a court passes a sentence under paragraph (2), the court shall specify such part of the sentence as the court considers appropriate as the relevant part of the sentence for the purposes of Article 46 (release on licence).]

(3) A person detained pursuant to the directions of the ^[F2]Minister of Justice] under this Article shall, while so detained, be deemed to be in legal custody.

(4) The ^[F2]Minister of Justice] may by order direct that a^[F1] child] in respect of whom the ^[F2]Minister of Justice] is authorised to give directions under paragraph (2) shall be transferred and detained in a juvenile justice centre specified in the order.

(5) An order under paragraph (4) shall be an authority for the detention in that centre or in such other centre as the ^[F2]Minister of Justice] may determine of the^[F1] child] to whom it relates until such date as may be specified in the order.

(6) The date to be specified under paragraph (5) shall not be later than—

- (a) the date on which the^[F1] child will, in the opinion of the ^[F2]Minister of Justice], become an adult]; or

(b) the date on which his detention under paragraph (2) would have expired.

(7) Nothing in paragraphs (4) to (6) shall prejudice the power of the [F²Minister of Justice] to give directions under paragraph (2).

[F⁵(8) In this Article and Article 46 “ the Minister of Justice ” means the Minister in charge of the Department of Justice.]

F1 2002 c. 26

F2 Words in art. 45 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 40(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F3 Words in art. 45(2) substituted (26.4.2013) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), **ss. 10(1), 15(1)** (with s. 10(5)-(9))

F4 Art. 45(2A) inserted (26.4.2013) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), **ss. 10(2), 15(1)** (with s. 10(5)-(9))

F5 Art. 45(8) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 40(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Modifications etc. (not altering text)

C1 mod. (temp.) 2000 c. 11

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 45.