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STATUTORY INSTRUMENTS

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**1998 No. 1504**

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

**PART II**

**GENERAL**

**Age of responsibility**

3. It shall be conclusively presumed that no child under the age of 10 can be guilty of an offence.

**[F1] Youth conferences**

**3A.**—(1) In this Order “youth conference”, in relation to a child and an offence, means a meeting, or series of meetings, for considering how the child ought to be dealt with for the offence.

(2) A meeting does not constitute, or form part of, a youth conference unless the following persons participate in it—

- (a) a youth conference co-ordinator (as chairman);
- (b) the child;
- (c) a police officer; and
- (d) an appropriate adult.

(3) The Secretary of State must designate persons employed in—

- (a) the civil service of the United Kingdom; or
- (b) the civil service of Northern Ireland,

to be youth conference co-ordinators.

(4) Except where the child is in the care of an authority (within the meaning of the Children (Northern Ireland) Order 1995 (N.I. 2)), “appropriate adult” means a parent or guardian of the child or, if no parent or guardian of the child is able and willing to participate in the meeting—

- (a) a social worker of the appropriate authority or a legal representative of the child; or
- (b) if no-one within sub-paragraph (a) is able and willing to participate in the meeting, any responsible person who has attained the age of 18 and is neither a police officer nor a member of the police support staff.

(5) Where the child is in the care of an authority (within the meaning of the Children (Northern Ireland) Order 1995), “appropriate adult” means a social worker of the authority.

(6) The following persons are entitled to participate in any meeting constituting, or forming part of, a youth conference—

- (a) the victim of the offence or, if the victim is not an individual, an individual representing the victim;
- (b) a legal representative of the child acting as his adviser; and

*Status: Point in time view as at 01/01/2006.*

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

- (c) if a community order or youth conference order is in force in respect of the child or the child is subject to supervision under a juvenile justice centre order or custody care order, the supervising officer.
- (7) The supervising officer is—
- (a) in the case of a probation order, the probation officer responsible for the child's supervision under the order;
  - (b) in the case of a community service order, the person who is the relevant officer for the purposes of Articles 13 and 14 of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24) ;
  - (c) in the case of a combination order, either of the persons mentioned in sub-paragraphs (a) and (b);
  - (d) in the case of an attendance centre order, the officer in charge of the attendance centre specified in the order;
  - (e) in the case of a community responsibility order, reparation order or youth conference order, the responsible officer; or
  - (f) in the case of a juvenile justice centre order or custody care order, the probation officer or person designated by the Secretary of State who is supervising the child.
- (8) A youth conference co-ordinator may allow other persons—
- (a) to participate in any meeting constituting, or forming part of, a youth conference; or
  - (b) to attend any such meeting for any purpose specified by him,
- if he considers that their participation, or attendance for that purpose, would be of value.
- (9) Where a youth conference is convened with respect to a child and an offence, neither—
- (a) the fact that it has been convened; nor
  - (b) anything said or done (or omitted to be said or done) in or in connection with any meeting constituting, or forming part of, the youth conference,
- is admissible in any criminal proceedings as evidence that the child committed the offence.]

**F1** 2002 c. 26

## [<sup>F2</sup>Youth conference rules

- 3B.**—(1) The Secretary of State may make rules about the procedure of youth conferences.
- (2) The rules may, in particular, make provision—
- (a) conferring or imposing functions on youth conference co-ordinators (which may include power to exclude from a meeting constituting, or forming part of, a youth conference persons otherwise entitled to participate in it by virtue of Article 3A(6)); and
  - (b) about the period within which youth conferences must be completed and functions of youth conference co-ordinators must be performed.
- (3) Rules under this Article are subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and, accordingly, section 5 of the Statutory Instruments Act 1946 (c. 36) applies to such rules.]

**F2** 2002 c. 26

### [<sup>F3</sup>Youth conference plans

**3C.**—(1) In this Order “youth conference plan”, in relation to a child and an offence, is a proposal made by a youth conference co-ordinator (after a youth conference convened with respect to the child and the offence has been completed) that the child be required to do one or more of the following—

- (a) apologise to the victim of the offence or any person otherwise affected by it;
- (b) make reparation for the offence to the victim or any such person or to the community at large;
- (c) make a payment to the victim of the offence not exceeding the cost of replacing or repairing any property taken, destroyed or damaged by the child in committing the offence;
- (d) submit himself to the supervision of an adult;
- (e) perform unpaid work or service in or for the community;
- (f) participate in activities (such as activities designed to address offending behaviour, offering education or training or assisting with the rehabilitation of persons dependent on, or having a propensity to misuse, alcohol or drugs);
- (g) submit himself to restrictions on his conduct or whereabouts (including remaining at a particular place for particular periods); and
- (h) submit himself to treatment for a mental condition or for a dependency on alcohol or drugs.

(2) A youth conference plan may specify a requirement under paragraph (1)(e) only if the child has attained the age of 16.

(3) A youth conference plan may specify requirements applying only in specified circumstances.

(4) A youth conference plan must specify the period during which the child must comply with the requirements specified in it.

(5) That period must not be more than one year.

(6) A youth conference plan must specify the date on which (subject to Article 10D(2) or 36J(2)) the child must begin to comply with the requirements specified in it.

(7) The fact that a child has been subject to a youth conference plan in respect of an offence may be cited in criminal proceedings in the same circumstances as a finding that the child committed the offence may be so cited.

(8) The Secretary of State may make procedural rules about youth conference plans which may (in particular) include provision about the period within which functions of persons required to monitor compliance with youth conference plans must be performed.

(9) Rules under paragraph (8) are subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and, accordingly, section 5 of the Statutory Instruments Act 1946 (c. 36) applies to such rules.]

**F3** 2002 c. 26

*Art. 4 rep. by 2002 c. 26*

### **Words not to be used in relation to children dealt with summarily**

**5.**—(1) The words “conviction” and “sentence” shall not be used in relation to children dealt with summarily.

(2) Any reference in any statutory provision (whenever passed or made) to a person convicted, a conviction or a sentence shall in the case of a child be construed as including a reference to a child found guilty of an offence, a finding of guilt or an order made upon such finding, as the case may be.

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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