
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART V

YOUTH COURTS

Youth courts

27.—(1) A juvenile court (that is to say, a court of summary jurisdiction constituted in accordance with Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968) sitting for the purpose of hearing any charge against a child or for the purpose of exercising any other jurisdiction conferred on youth courts by or under this Order or any other statutory provision, may be known as a youth court.

(2) Youth courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them.

(3) Directions given by the Lord Chancellor under Article 11(3) of the Magistrates' Courts (Northern Ireland) Order 1981 shall make such provision as is necessary to ensure, so far as is reasonably practicable, that, where a youth court is held on the same day and in the same place as a court of summary jurisdiction which is not a youth court, the times at which the courts are held shall be so arranged that children who are to be brought before the youth court will not be present in the precincts of the court at the same time as adult defendants.

(4) No person shall be present at any sitting of a youth court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) the parents or guardians of the child;
- (d) representatives of newspapers or news agencies;
- (e) such other persons as the court may authorise to be present.

Assignment of certain matters to youth courts

28.—(1) Subject to paragraphs (2) and (3), no charge against a child and no application the hearing of which is by magistrates' courts rules assigned to youth courts, shall be heard by a magistrates' court which is not a youth court.

(2) A charge shall be heard by a magistrates' court other than a youth court where the charge is made jointly against a child and an adult and where the court does not exercise the power conferred by Article 29.

(3) A charge may be heard by a magistrates' court other than a youth court—

- (a) where a child is charged with an offence arising out of circumstances which are the same as or connected with those giving rise to an offence with which an adult is charged at the same time;

- (b) where a child is charged with an offence, and an adult is charged at the same time with aiding, abetting, causing, counselling, procuring, allowing or permitting that offence;
- (c) where an adult is charged with an offence, and a child is charged at the same time with aiding, abetting, causing, counselling, procuring, allowing or permitting that offence;
- (d) where, in the course of any proceedings before any magistrates' court other than a youth court, it appears that the person to whom the proceedings relate is a child and the court thinks fit to proceed with the hearing and determination of those proceedings.

(4) No requirement contained in any statutory provision (including a provision of this Order), that a charge shall be brought before a youth court shall be construed as restricting the powers of any justice to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

Power of magistrates' court to remit a child for trial to a youth court

29.—(1) This Article shall have effect where—

- (a) a child appears or is brought before a magistrates' court other than a youth court on a complaint jointly charging him and one or more other persons with an offence; and
- (b) that other person, or any of those other persons, is an adult,

and in this Article “the adult defendant” means such one or more of the accused as is an adult.

(2) If—

- (a) the court hears the complaint or (as the case may be) deals summarily with the charge in the case of both or all of the accused, and the adult defendant or each of the adult defendants pleads guilty; or
- (b) the court—
 - (i) in the case of the adult defendant or each of the adult defendants, conducts a preliminary investigation or preliminary inquiry and either commits him for trial or discharges him; and
 - (ii) in the case of the child, hears the complaint or (as the case may be) deals summarily with the charge,

then, if in either situation the child pleads not guilty, the court may, before any evidence is called in his case, remit him for trial to a youth court acting for the same place as the remitting court or for the place where he resides.

(3) A child remitted to a youth court under paragraph (2) shall be brought before and tried by a youth court accordingly.

(4) Where a child is so remitted to a youth court—

- (a) he shall have no right of appeal against the order of remission; and
- (b) the remitting court may give such directions as appear to be necessary with respect to his custody or for his release on bail until he can be brought before the youth court.

(5) This Article shall apply in relation to a corporation as if it were an adult.

Powers of youth courts in relation to persons who are not or who cease to be children

30.—(1) A youth court sitting for the purpose of hearing a charge against a person who is believed to be a child may, if it thinks fit to do so, proceed with the hearing and determination of the charge, notwithstanding that it is discovered that the person in question is not a child.

(2) Where any proceedings in respect of a child are commenced before a youth court and he attains the age of 17 before the conclusion of the proceedings, the court may continue to deal with

the case and make any order which it could have made if he had not attained that age; and for the purposes of this paragraph proceedings taken in consequence of any default shall be deemed to be part of the original proceedings.

(3) The attainment of the age of 17 by a person in respect of whom a community order or an order for conditional discharge has been made, shall not deprive a youth court of jurisdiction either to enforce his attendance and deal with him in respect of any failure to comply with the requirements of the community order or the commission of a further offence, or to amend or discharge the community order.

(4) In this Article—

“default” means failure to pay, or want of sufficient distress to satisfy, any fine or other sum of money, or failure to do or abstain from doing any thing required to be done or left undone;

“the original proceedings” means the proceedings in which the fine was imposed or other sum awarded or the thing was ordered to be done or left undone.

Remand for purpose of obtaining information

31.—(1) Where a youth court has remanded a child for information to be obtained with respect to him, any court of summary jurisdiction or resident magistrate acting for the same petty sessions district may in the absence of the child extend the period for which he is remanded.

(2) A child remanded under paragraph (1) shall be brought before a court of summary jurisdiction or a resident magistrate sitting out of petty sessions at least once every two weeks.

(3) When the required information has been obtained, any youth court acting for the same petty sessions district as the youth court which remanded the child or any other petty sessions district of the same county court division may deal with him finally.