
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

Juvenile justice centre orders

Juvenile justice centre orders

39.—(1) Where a child is found guilty by or before any court of an offence punishable in the case of an adult with imprisonment (other than an offence to which Article 45(1) applies), the court (subject to Article 32(1)) shall have power to make a juvenile justice centre order, that is to say, an order that the child shall be sent to a juvenile justice centre and be subject to a period of detention in a juvenile justice centre followed by a period of supervision.

(2) A juvenile justice centre order shall be for a period of six months unless the court specifies in the order a longer period not exceeding two years.

(3) A court shall not make a juvenile justice centre order unless, after taking into account any matters which it is required to take into account by Article 37 of the Criminal Justice (Northern Ireland) Order 1996 (previous convictions, etc.), it has formed the opinion under Articles 19 and 20 of that Order that a custodial sentence would be justified for the offence.

(4) Where a court makes a juvenile justice centre order for a period longer than six months, it shall state in open court its reasons for doing so.

(5) Subject to paragraph (6), the period of detention which the child is liable to serve under a juvenile justice centre order shall be one half of the period of the order.

(6) The length of the period of detention shall be treated as reduced by any period which is a relevant period within the meaning of section 26(2) and (2A) of the Treatment of Offenders Act (Northern Ireland) 1968 (reduction of sentence).

(7) Any reference in any statutory provision to the length of the period of a juvenile justice centre order shall, unless the context otherwise requires, be construed as a reference to the length of the period imposed by or under paragraph (2) and not the length of the period as reduced by paragraph (6).

Supervision under a juvenile justice centre order

40.—(1) During the period of supervision under a juvenile justice centre order, the offender shall be under the supervision of a probation officer or such other person as the Secretary of State may designate.

(2) Before the commencement of the period of supervision—

(a) the managers of the juvenile justice centre where he is detained shall give him a notice specifying—

- (i) the period of supervision; and
 - (ii) the person under whose supervision he will be;
- (b) the person under whose supervision he will be shall give him a notice specifying any requirements with which he must comply.
- (3) During the period of supervision the person under whose supervision the offender is or another person designated by the Secretary of State may give the offender a notice specifying any alteration to the matters mentioned in paragraph (2)(a)(ii) or (b).
- (4) The Secretary of State may make rules regulating the supervision of an offender subject to a juvenile justice centre order.
- (5) Rules under paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- (6) The Secretary of State may pay the expenses incurred by any person designated under paragraph (1) arising from the supervision of an offender under this Article.

Breach of supervision requirements

41.—(1) Where a juvenile justice centre order has been made and it appears upon a complaint made to a justice of the peace that the offender has failed to comply with any requirements under Article 40(2) or (3), the justice may—

- (a) issue a summons directed to the offender requiring him to appear before a youth court specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender's arrest requiring him to be brought before a youth court specified in the warrant.

(2) If it is proved to the satisfaction of the court before which the offender appears or is brought under this Article that he has failed without reasonable excuse to comply with requirements under Article 40(2) or (3), the court may deal with him in respect of the failure in any of the following ways, namely—

- (a) it may impose on him a fine not exceeding—
 - (i) £200 if he is under the age of 14; or
 - (ii) £1,000 in any other case;
- (b) it may order him to be detained for a period not exceeding 30 days—
 - (i) in a juvenile justice centre; or
 - (ii) in a young offenders centre if he has attained the age of 17 or was detained in a young offenders centre before the period of supervision began.

(3) Any period of supervision shall not be reduced by any period during which the offender is detained under paragraph (2).

Taking of children to juvenile justice centre

42.—(1) The court which makes a juvenile justice centre order shall cause it to be delivered to the constable or other person responsible for taking the child to the centre, and the person who takes him to the centre shall deliver the order to the person for the time being in charge of the centre.

(2) The court by which a juvenile justice centre order is made shall cause a record, containing such information in the possession of the court with respect to the child as is in the opinion of the court likely to be of assistance to the managers of the centre, to be sent to the managers or to the person for the time being in charge of the centre.

(3) Where a child has been ordered to be sent to a juvenile justice centre, any person who harbours or conceals him after the time has come for him to go to the centre 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.

(4) Where a constable or other person authorised to take a child to a juvenile justice centre is, when the time has come for him to go to the centre, unable to find him or unable to obtain possession of him, a justice of the peace, if satisfied by complaint on oath that there is a reasonable ground for believing that some person named in the complaint can produce the child, may issue a summons requiring the person so named to attend at a court of summary jurisdiction on such day as may be specified in the summons and produce the child.

(5) If the person required by the summons to produce the child fails without reasonable excuse to do so, he shall, in addition to any other liability to which he may be subject under the provisions of this Order, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Effect of juvenile justice centre order where care order is in force

43.—(1) Where a juvenile centre order is made with respect to a child who is subject to a care order under the Children (Northern Ireland) Order 1995, the care order shall be of no effect while he is detained in a juvenile justice centre.

(2) Where a child has ceased to be in the care of an authority by virtue of paragraph (1), the authority shall, where practicable, while the child is detained in a juvenile justice centre, cause him to be visited and befriended, and may, in exceptional circumstances, give him assistance in kind or in cash.

(3) Paragraphs (7) to (9) of Article 18 of the Children (Northern Ireland) Order 1995 shall apply to assistance under this Article as they apply to assistance under that Article.

Effect of subsequent conviction where juvenile justice centre order is in effect

44.—(1) Where a person in respect of whom a juvenile justice centre order is in effect is convicted by or before a court of an offence, the court shall—

- (a) revoke the order; and
- (b) in passing sentence for the offence take into account the period for which, but for the revocation, the order would have continued in effect.

(2) Where in such a case the court decides to make a juvenile justice centre order, Article 39 shall have effect as if—

- (a) in paragraph (2) for the words from “a period of six months” to “two years” there were substituted the words “such period not exceeding two years as the court specifies in the order”;
- (b) in paragraph (5) for the words “one half of the period of the order” there were substituted “such part of the period of the order as the court specifies in the order”.