

STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

Miscellaneous

[^{F1}Restriction on detention for default of payment of fine, etc.]

46C.—(1) A child shall not be ordered to be detained in custody in default of the payment of any sum adjudged to be paid by or imposed on conviction of an offence unless, at the time when the sum becomes due or at any subsequent time at which it remains due, the child—

- (a) is already being detained in custody, or
- (b) has been ordered to be detained in custody but the period of detention has yet to begin.

(2) The child may be ordered to be detained in custody for a period concurrent with that other period of detention; and the service of a period of detention ordered in reliance on this Article discharges the child's liability for the sum concerned.

(3) A period of detention ordered in reliance on this Article must end on or before the date on which the child is to be discharged from the other period of detention; and where the applicable maximum period would otherwise extend beyond that date, it is to be reduced accordingly.

(4) In this Article—

- (a) the reference to a sum adjudged to be paid by or imposed on a conviction includes a reference to a sum treated for the purposes of any statutory provision as if it were a sum so adjudged or imposed, and
- (b) the reference to the applicable maximum period is a reference to the applicable maximum period under section 35 of the Criminal Justice Act (Northern Ireland) 1945 or Schedule 3 to the Magistrates' Courts (Northern Ireland) Order 1981.]

F1 Art. 46C inserted (1.6.2018) by *Justice Act (Northern Ireland) 2016 (c. 21)*, ss. **30(1)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

[^{F2}Limitation on punishment for contempt of court]

47.—(1) A child shall not be ordered to be detained in custody—

- (a) for contempt of court; ^{F3}...
- ^{F3}(b)

(2) Paragraph (1) shall not apply in the case of a child who has attained the age of 16 if the court certifies that his behaviour is such that no other method of dealing with him is appropriate.

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

- F2** Art. 47 title substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 30(3)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)
- F3** Art. 47(1)(b) and preceding word repealed (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 30(3)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

Power of courts on committal of offender

^{F4}**48.**

- F4** Art. 48 repealed (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 30(4)**, 61(2) (with s. 30(12)); S.R. 2018/99, art. 2(a)

Duty of parent or guardian to notify change of address

49.—(1) The parent or guardian of a child who is subject to an attendance centre order shall keep the officer in charge of the centre informed of the parent or guardian's address.

(2) The parent or guardian of a child who is subject to a juvenile justice centre order shall keep the managers of the centre informed of the parent or guardian's address.

(3) Where a child is transferred from one juvenile justice centre to another, the managers of the centre from which he is transferred shall, where possible, inform his parent or guardian of the transfer; and until his parent or guardian has been so informed, the parent's or guardian's duty under paragraph (2) shall be deemed to be duly discharged if he keeps the managers of the first-mentioned centre informed of his address.

(4) A parent or guardian of a child who, knowing that that child is subject to an attendance centre order or a juvenile justice centre order, contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) In any proceedings under paragraph (4) it shall be a defence for a parent to prove that he was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the officer in charge of the attendance centre or the managers of the juvenile justice centre informed of the address of both.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Cross Heading: Miscellaneous.