

---

DRAFT STATUTORY INSTRUMENTS

---

**1998 No.**

**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 under the age of 18 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 Secretary of State in such place and under such conditions as the Secretary of State may direct.

(2) Where—

- (a) a child is convicted on indictment of any offence punishable in the case of an adult with imprisonment for 14 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, notwithstanding any other provisions of this Order, be liable to be detained in such place and under such conditions as the Secretary of State may direct.

(3) A person detained pursuant to the directions of the Secretary of State under this Article shall, while so detained, be deemed to be in legal custody.

(4) The Secretary of State may by order direct that a person in respect of whom the Secretary of State 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 Secretary of State may determine of the person 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 person will, in the opinion of the Secretary of State, attain the age of 18; 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 Secretary of State to give directions under paragraph (2).

### **Discharge on licence**

**46.**—(1) Any person detained pursuant to the directions of the Secretary of State under Article 45 may, at any time, be discharged by the Secretary of State on licence.

(2) Such a licence may be in such form and may contain such conditions as the Secretary of State may direct, and may at any time be revoked or varied by the Secretary of State.

(3) Where such a licence is revoked the person to whom the licence related may be arrested without warrant by any constable and taken to such place as the Secretary of State may direct.