
DRAFT STATUTORY INSTRUMENTS

1998 No.

Criminal Justice (Children) (Northern Ireland) Order 1998

PART VIII

MISCELLANEOUS AND GENERAL

Juvenile Justice Board

56.—(1) The name of the body corporate established under section 1 of the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 is hereby changed to the Juvenile Justice Board.

(2) In section 2 of that Act (functions of Board)—

- (a) in subsection (2), for the words “all the functions of managers of training schools under the Act of 1968”, and
- (b) in subsection (3), for the words “all the functions of managers of a training school under the Act of 1968”,

there shall in each case be substituted the words “the functions of managers of a juvenile justice centre under the Criminal Justice (Children) (Northern Ireland) Order 1998”.

(3) In section 14 of that Act (expenses of members of Board), after the words “any member” there shall be inserted the words “such remuneration and such”.

(4) In paragraph 1(2) of the First Schedule to that Act (appointment of members), for the words from “twelve members” to “women” there shall be substituted the words “not more than twelve members”.

(5) The Secretary of State may by order provide for the functions of the Juvenile Justice Board to include power, subject to the approval of the Secretary of State,—

- (a) to make and give effect to schemes for children who are subject to attendance centre orders or juvenile justice centre orders and schemes for the prevention of crime by children;
- (b) to enter into arrangements with voluntary organisations or any other persons (including government departments and public bodies) whereby those organisations or persons undertake, on such terms (including terms as to payment by the Board to those organisations or persons) as may be specified in the arrangements, to give effect to such schemes as are mentioned in sub-paragraph (a);
- (c) to provide voluntary organisations or any other persons with facilities for the purposes of such schemes as are mentioned in sub-paragraph (a) on such terms (including payment to the Board by those organisations or persons) as the Board may think fit.

(6) The Secretary of State may by order—

- (a) transfer such functions, assets and liabilities of the Juvenile Justice Board as are specified in the order to any body or person so specified (including the Secretary of State);

- (b) make provision for, or in connection with, the winding up and dissolution of the Board (including provision for the transfer of the functions, assets and liabilities of the Board to any such body or person);
- (c) establish a body for the purpose of transferring functions, assets and liabilities to it by order under this Article and provide for the payment of such remuneration or allowances of such amounts as the Secretary of State may determine, to members of that body by the Secretary of State.

(7) An order under this Article may contain such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 or any other statutory provision including a provision of this Order) as appear to the Secretary of State to be necessary or expedient for giving full effect to the provisions of any order under this Article.

(8) An order under this Article 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.

Grants for juvenile justice centres, attendance centres and the Juvenile Justice Board

57.—(1) The Secretary of State may pay grants to any person towards expenditure incurred or to be incurred in relation to attendance centres and juvenile justice centres.

(2) The Secretary of State may pay grants to the Juvenile Justice Board in respect of expenditure incurred or to be incurred in the discharge of functions conferred on the Board by order under Article 56.

(3) Grants payable under this Article shall be paid at such times and in such manner and subject to such conditions as the Secretary of State may determine.

(4) Any sum which falls to be paid to the Secretary of State by virtue of any conditions attached to a grant may be recovered by the Secretary of State as a debt due to him.

Inquiries and investigations

58. The Secretary of State may cause an inquiry to be held or an investigation to be made in any case where it appears to him advisable to do so in connection with any matter arising under this Order.

Acquisition and disposal of land

59.—(1) For the purposes of this Order the Secretary of State may acquire land by agreement or compulsorily.

(2) Where the Secretary of State in exercise of the power conferred by paragraph (1) desires to acquire any land otherwise than by agreement, the Secretary of State may make an order (“a vesting order”) vesting the land in the Secretary of State.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order under that Act subject to the modifications set out in Schedule 3.

(4) Any land held by the Secretary of State for the purposes of this Order may, if in his opinion it is no longer required for those purposes, be disposed of by the Secretary of State or be appropriated by him for other purposes.

(5) Where the Secretary of State proposes to dispose of any land and is of the opinion that it is necessary, in order to facilitate that disposal, to acquire land adjoining that land, then,

notwithstanding that the acquisition of that adjoining land is not required for the purposes of this Order, the Secretary of State may acquire by agreement that adjoining land.

Power to enter on lands

60. Section 98 of the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of this Order as if any reference to a council were a reference to the Secretary of State.

Proof of documents

61.—(1) A document purporting to be a copy of an order made by a court under any of the provisions of this Order shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(2) An order or other document may be authenticated on behalf of the managers of a juvenile justice centre by the signature of one of the managers or their secretary, or of the person for the time being in charge.

Presumption and determination of age

62.—(1) This Article applies where in any proceedings against a child or any other person for an offence, a person is brought before a court otherwise than for the purpose of giving evidence and it appears to the court that he is a child.

(2) The court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case.

(3) An order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Order, be deemed to be the true age of that person.

Appeals

63.—(1) Where a person appeals against an order made under this Order by a court of summary jurisdiction without convicting him, the county court shall have the like powers on the appeal as if it had been against both conviction and sentence.

(2) An appeal by a child in respect of whom an order has been made under this Order by a court of summary jurisdiction, whether the appeal is against the order or against the finding upon which the order was made, may be brought by him or by his parent or guardian on his behalf.

Transitional provisions and savings

64.—(1) The Secretary of State may by order make such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient.

(2) Without prejudice to paragraph (1), Schedule 4 shall have effect.

Amendments and repeals

65.—(1) The statutory provisions specified in Schedule 5 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 6 are hereby repealed to the extent specified in the third column of that Schedule.