
STATUTORY INSTRUMENTS

1980 No. 1088

NORTHERN IRELAND

**The Criminal Justice and Armed Forces (Northern
Ireland Consequential Amendments) Order 1980**

Laid before Parliament in draft

Made - - - - 28th July 1980

Coming into operation in accordance with Article 1(2)

At the Court at Buckingham Palace, the 28th day of July 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(2) of the Northern Ireland Constitution Act 1973, as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice and Armed Forces (Northern Ireland Consequential Amendments) Order 1980.

(2) This Order shall come into operation on the day appointed under Article 1 of the Treatment of Offenders (Northern Ireland) Order 1980 for the coming into operation of that Order.

(3) This Order extends to the whole of the United Kingdom.

Amendment of the Criminal Justice Act 1961

2.—(1) In the Criminal Justice Act 1961—

(a) in section 26—

(i) subsection (3) is hereby repealed;

(ii) in subsection (5)—

(a) after the word “Kingdom” where it first occurs insert the words “other than Northern Ireland”;

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- (b) in paragraph (a) of the proviso after the words “from England and Wales” insert the words “to Scotland”;
 - (c) in paragraphs (a) and (b) of the proviso the words “or Northern Ireland” are hereby repealed;
 - (iii) after subsection (5) insert the following subsection:—
 - “(5A) Where a person sentenced to borstal training is transferred under this section to Northern Ireland, the provisions applicable to him shall be those applicable to a person ordered to be detained in a young offenders centre for a term of two years by a court in Northern Ireland on the date on which he was sentenced to borstal training.”;
 - (b) in section 29(1) after the words “detention centre” and in section 30(3) after the words “borstal institution” insert the words “young offenders centre”;
 - (c) in section 32(2)(1) for paragraph (d) substitute the following paragraph:—
 - “(d) section 23 of the Prison Act (Northern Ireland) 1953.”;
 - (d) in section 38(5) after paragraph (b) insert the following paragraph:—
 - “(bb) an order for detention in a young offenders centre made in Northern Ireland shall be treated as a sentence of imprisonment for the like term.”;
 - (e) in section 39(1)—
 - (i) in paragraph (a) of the definition of “appropriate institution” after the word “Kingdom” insert the words “other than Northern Ireland”;
 - (ii) after paragraph (bb)(2) of that definition insert the following paragraph:—
 - “(bbb) in relation to a person sentenced when under twenty-one years of age to—
 - (a) imprisonment for less than three years;
 - (b) borstal training;
 - (c) detention in Scotland;
- (2) Schedule 3 to the Treatment of Offenders Act (Northern Ireland) 1968 in so far as it amends the Criminal Justice Act 1961 and the Criminal Justice Act 1967 is hereby repealed.

Amendment of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957

3. In Schedule 5A(3) to the Army Act 1955, Schedule 5A(4) to the Air Force Act 1955 and Schedule 4A(5) to the Naval Discipline Act 1957 in paragraph 10(6) for head (c) substitute the following head:—

- “(c) where the offender is removed to Northern Ireland, a young offenders centre.”.

(1) Substituted by Criminal Justice Act 1967 (c. 80) Schedule 6, para. 24.
(2) Inserted by Criminal Justice (Scotland) Act 1963 (c. 39) Schedule 5.
(3) Inserted by Armed Forces Act 1976 (c. 52) Schedule 4.
(4) Inserted by Armed Forces Act 1976 (c. 52) Schedule 4.
(5) Inserted by Armed Forces Act 1976 (c. 52) Schedule 4.

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N.E. Leigh
Clerk of the Privy Council

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EXPLANATORY NOTE

This Order makes amendments to the Criminal Justice Act 1961, the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 which are consequential upon the abolition of borstal training in Northern Ireland by the Treatment of Offenders (Northern Ireland) Order 1980. The Order also re-enacts certain consequential amendments of the Criminal Justice Act 1961 contained in Schedule 3 to the Treatment of Offenders Act (Northern Ireland) 1968 which had effect only in Northern Ireland and makes other amendments to the Criminal Justice Act 1961 consequential on the Treatment of Offenders Act (Northern Ireland) 1968.