

1989 No. 1345

NORTHERN IRELAND

**The Community Service Orders (Northern Ireland
Consequential Amendments) Order 1989**

Made - - - - - 2nd August 1989

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 2nd day of August 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by 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(a), as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974(b), 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 and commencement

1.—(1) This Order may be cited as the Community Service Orders (Northern Ireland Consequential Amendments) Order 1989.

(2) This Order shall come into force on the same day as the Treatment of Offenders (Northern Ireland) Order 1989(c).

(3) In this Order—

- (a) Articles 1 and 2 apply to England and Wales;
- (b) Articles 1 and 3 apply to Scotland.

Amendment of the Powers of Criminal Courts Act 1973

2. In section 17B of the Powers of Criminal Courts Act 1973(d) (making and amendment of community service orders relating to persons residing in Northern Ireland)—

- (a) subsection (1) shall cease to have effect;
- (b) in Subsection (2) for the words from the beginning to “that age” there shall be substituted the words “Where a court considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in Northern Ireland”; and
- (c) in subsection (3)(a) the words “has attained the age of 17 years and” shall cease to have effect.

(a) 1973 c.36: section 38 was amended by paragraph 6 of Schedule 2 to the Northern Ireland Act 1982 (c.38).

(b) 1974 c.28.

(c) S.I. 1989/1344 (NI 15).

(d) 1973 c.62; section 17B was inserted by section 68(2) of, and paragraph 1 of Schedule 13 to, the Criminal Justice Act 1982 (c.48).

Amendment of the Community Service by Offenders (Scotland) Act 1978

3. In section 6A of the Community Service by Offenders (Scotland) Act 1978(a) (community service orders relating to persons residing in Northern Ireland) in subsections (1) and (2)(a) the words "has attained the age of 17 years and" shall cease to have effect.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

The Treatment of Offenders (Northern Ireland) Order 1989 reduced from 17 to 16 years the minimum age at which a person may be made subject to a community service order in Northern Ireland. This Order makes amendments to the law of England and Wales and Scotland which are consequential on this reduction and which enable a court in England and Wales or Scotland to make or amend a community service order in respect of a person of 16 years of age who resides or proposes to reside in Northern Ireland.

(a) 1978 c.49; section 6A was inserted by section 68(2) of, and paragraph 5 of Schedule 13 to, the Criminal Justice Act 1982 (c.48).

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