



Treatment of Offenders Act (Northern Ireland) 1968

1968 CHAPTER 29

PART III

GENERAL

32 Financial provisions.

There may be defrayed out of moneys provided by [^{F1} the Parliament of the United Kingdom] any expenses incurred by the Ministry by virtue of any provision of this Act and any increase attributable to any provision of this Act in the sums which are required or authorised to be so defrayed under any other enactment.

F1 SI 1973/2163

[^{F2}32A Rules.

- (1) The Secretary of State may make rules for prescribing the procedure to be followed and the forms to be used for the purposes of proceedings under or in consequence of this Act.
- (2) Rules made under paragraph (1) 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.]

F2 1996 NI 24

33 Interpretation.

- (1) In this Act—

Status: Point in time view as at 15/05/2009.

Changes to legislation: There are currently no known outstanding effects for the Treatment of Offenders Act (Northern Ireland) 1968, PART III. (See end of Document for details)

“default” means failure to pay, or want of sufficient distress to satisfy any fine or other sum of money, or failure to do or abstain from doing anything required to be done or left undone;

“enactment” in sections 18(5), 26(5), 28(2) and 34 means any statutory provision within the meaning of paragraph (f) of section 1 of the Interpretation Act (Northern Ireland) 1954 ;

“the Minister” has the meaning assigned to it by section 1(4);

“the Ministry” has the meaning assigned to it by section 2;

“order for detention” means an order for detention in a young offenders centre made under section 5(1);

[^{F3} “the Prison Act” means the Prison Act (Northern Ireland) 1953 ;]

“remand centre” has the meaning assigned to it by section 2(b);

“remand home” has the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950 ^{F4};

“sentence” does not include a committal for default or the fixing of a term to be served in the event of default, or a committal or attachment for contempt of court;

“suspended sentence or order for detention” means a sentence or order for detention to which an order under section 18(1)[^{F5} or (1A)] relates;

“young offenders centre” has the meaning assigned to it by section 2(a).

- (2) For the purposes of any reference in [^{F6} the Prison Act and] this Act to a term of imprisonment or to a term of detention in a young offenders centre, consecutive terms or terms which are wholly or partly concurrent shall be treated as a single term [^{F7} if—
- (a) the sentences were passed on the same occasion; or
 - (b) where they were passed on different occasions, the person has not been released under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 at any time during the period beginning with the first and ending with the last of those occasions.]
- (3) Where the age of any person at any time is material for the purposes of any provision of this Act, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (4) For the purposes of any provisions of this Act referring to a person who is serving or has served a sentence of any description, the expression “sentence” includes—
- (a) in any case, a sentence of that description passed by a court in the British Islands; and
 - (b) in the case of imprisonment, a sentence passed by a court-martial [^{F8} or a Standing Civilian Court established under the Armed Forces Act 1976] on a person found guilty of a civil offence (within the meaning of the Army Act 1955 , the Air Force Act 1955 or the Naval Discipline Act 1957).

F3 1980 NI 10

F4 1968 c.34 (NI)

F5 1989 NI 15

F6 1976 NI 4

F7 S. 33(2)(a)(b) and preceding word added (15.5.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(1), **Sch. 5 para. 1**; S.R. 2008/217, **art. 2**, Sch. paras. 16, 18(a) (subject to art. 3)

F8 1976 c.52

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34 Meaning of “imprisonment” in certain other Acts.

For the purpose of all enactments and instruments made under enactments relating to disqualification for loss of office of persons sentenced to imprisonment an order for detention in a young offenders centre shall be deemed to be a sentence of imprisonment.

S. 35(1), with Schedule 3, effects amendments; subs. (2) rep. by 1980 NI 10; subs. (3), with Schedule 5, effects repeals; subs. (4) rep. by 1980 NI 10

36 Short title and commencement.

- (1) This Act may be cited as the Treatment of Offenders Act (Northern Ireland) 1968.
- (2) This section shall come into operation on the passing of this Act.
- (3) ^{F9} The provisions of this Act, other than this section, shall come into operation on such day or days as may be appointed by order made by the Minister.
- (4) Where an order is made under subsection (3) with respect to any provision of this Act, any reference in that provision to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

<p>F9 For appointed days see SRO (NI) 1969/3, 96; SR 1979/149</p>
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