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## STATUTORY INSTRUMENTS

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# 1998 No. 1504 (N.I. 9)

## The Criminal Justice (Children) (Northern Ireland) Order 1998 <sup>F1</sup>

- - - - 24th June 1998

### THE CRIMINAL JUSTICE (CHILDREN) (NORTHERN IRELAND) ORDER 1998

#### PART I

##### INTRODUCTORY

1. Title and commencement
2. Interpretation

#### PART II

##### GENERAL

3. Age of responsibility
- 3A Youth conferences
- 3B Youth conference rules
- 3C Youth conference plans  
Art.4 rep. by 2002 c. 26
5. Words not to be used in relation to children dealt with summarily

#### PART III

##### ARREST AND DETENTION

6. Child arrested in pursuance of warrant to be released
7. Child apparently under 14 arrested without warrant for offence other than homicide to be released
8. Child not released under Article 7
9. Separation of child in police detention from adults charged with offences
10. Duty to inform person responsible for welfare of child in police detention

#### PART 3A

##### DIVERSIONARY YOUTH CONFERENCES

- 10A Diversionary youth conferences

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- 10B References: supplementary
- 10C Recommendations: supplementary
- 10D Plans: compliance and variation

#### PART IV

### CRIMINAL PROCEEDINGS

- 11. Notice of charges against child
- 12. Release on bail
- 13. Remand in custody
- 14. Power to enforce attendance of child
- 15. Attendance of parent or guardian
- 16. Separation of child from adults charged with offences
- 17. Summary trial of indictable offences
- 18. Exclusion of child from court during the trial of other persons
- 19. Form of oath for use in youth court and by children in other courts
- 20. Evidence given unsworn by child
- 21. Power to clear court while child is giving evidence in certain cases
- 22. Restrictions on reporting proceedings
- 23. Evidence of child in committal proceedings for violent or sexual offence
- 24. Power to proceed with case in absence of child in certain proceedings
- 25. Extension of power to take deposition of child
- 26. Admission of deposition of child in evidence in certain proceedings

#### PART V

### YOUTH COURTS

- 27. Youth courts
- 28. Assignment of certain matters to youth courts
- 29. Power of magistrates' court to remit a child for trial to a youth court
- 30. Powers of youth courts in relation to persons who are not or who cease to be children  
Power of youth court in relation to remands
- 31. Remand for purpose of obtaining information

#### PART VI

### SENTENCING AND OTHER POWERS

#### *Preliminary*

- 32. Remission by other courts of offenders to youth courts
- 33. Power to notify appropriate authority if child's welfare requires it

#### *Youth conferences*

- 33A Court-ordered youth conferences
- 33B Associated offences
- 33C References: supplementary
- 33D Termination of youth conference
- 33E Recommendations: supplementary

#### *Fines and recognizances*

- 34. Fines

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- 35. Parent or guardian to pay fine, etc., instead of child
- 36. Parent or guardian to enter into recognizance
- .....
- 36ZA Parental compensation orders
- 36ZB Parental compensation orders: the compensation
- 36ZC Parental compensation orders: supplemental
- 36ZD Parental compensation orders: appeal
- 36ZE Effect of parental compensation order on subsequent award of damages in civil proceedings

*Reparation orders*

- 36A Reparation orders
- 36B Restrictions on reparation orders
- 36C Requirements of reparation orders
- 36D Supplementary provisions about reparation orders

*Community responsibility orders*

- 36E Community responsibility orders
- 36F Restrictions on community responsibility orders
- 36G Requirements of community responsibility orders
- 36H Rules relating to community responsibility orders
- 36I Supplementary provisions about community responsibility orders

*Youth conference orders*

- 36J Youth conference orders
- 36K Supplementary provisions about youth conference orders
- 36L Monitoring compliance with youth conference orders

*Attendance centre orders*

- 37. Attendance centre orders
- 38. Discharge, revocation or variation of attendance centre orders

*Juvenile justice centre orders*

- 39. Juvenile justice centre orders
- 40. Supervision under a juvenile justice centre order
- 41. Breach of supervision requirements
- 42. Taking of children to juvenile justice centre
- 43. Effect of juvenile justice centre order where care order is in force
- 44. Effect of subsequent conviction where juvenile justice centre order is in effect
- .....

*Custody care orders*

- 44A Custody care orders
- 44B Period in secure accommodation under custody care order
- 44C Escape from secure accommodation
- 44D Taking of children to secure accommodation
- 44E Supervision under custody care order
- 44F Breach of supervision requirements
- 44G Effect of subsequent conviction where custody care order is in effect

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#### *Grave crimes*

- 45. Punishment of certain grave crimes
- 46. Discharge on licence

#### *Miscellaneous*

- 47. Limitation on punishment for contempt of court or default of payment of fine, etc.
- 48. Power of courts on committal of offender
- 49. Duty of parent or guardian to notify change of address

### PART VII

#### ATTENDANCE CENTRES AND JUVENILE JUSTICE CENTRES

##### *Attendance centres*

- 50. Attendance centres

##### *Juvenile justice centres*

- 51. Juvenile justice centres
- 52. Supervising powers of Secretary of State
- 53. Parental responsibility for children in juvenile justice centres
- 54. Escapes from juvenile justice centres

##### *Inspection*

- 55. Power to inspect attendance centres and juvenile justice centres

### PART VIII

#### MISCELLANEOUS AND GENERAL

- Art. 56 rep. by 2004 c.4
- 57. Grants for juvenile justice centres, attendance centres and the Juvenile Justice Board
  - Art. 58 rep. by 2005 c. 12
- 58. Inquiries and investigations
- 59. Acquisition and disposal of land
- 60. Power to enter on lands
- 61. Proof of documents
- 62. Presumption and determination of age
- 63. Appeals
- 64. Transitional provisions and savings
- Article 65—Amendments and repeals

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### SCHEDULES

#### SCHEDULE 1 — DEFINITIONS OF “SEXUAL OFFENCE” AND “VIOLENT OFFENCE”

- This div-1 has a number but no title; creating a P1group with an empty Title
- 2. In this Order “violent offence” means an offence which leads or is intended or likely...

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## SCHEDULE 1A — BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDERS, COMMUNITY RESPONSIBILITY ORDERS AND YOUTH CONFERENCE ORDERS

### *Introductory*

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### *Breach of relevant order*

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### *Order as punishment for breach*

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### *Re-sentencing for breach*

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### *Revocation, amendment and extension of relevant order*

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### *Dealing with relevant order when sentencing after subsequent conviction*

6. (1) This paragraph applies where an offender in respect of whom a relevant order is...

### *Copies of revoking, amending or extending order*

7. (1) On the making of an order under this Schedule revoking, amending or extending a...

### *Presence of offender in court, remands etc.*

8. (1) Where the responsible officer makes an application to a court under paragraph 2 or...

## SCHEDULE 2 — JUVENILE JUSTICE CENTRES

1. (1) A juvenile justice centre order or any other order under which a person is...
2. A minister of the religious persuasion to which a person in a juvenile justice centre...
3. If it appears to the managers of a juvenile justice centre— (a) that a person...
4. At any time during the period of a person's detention in a juvenile justice centre...  
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6. (1) If a person detained in a juvenile justice centre has attained the age of 15 and...
7. Every person who— (a) is authorised by the managers of a juvenile justice centre to...

— Schedule 3—Modifications

SCHEDULE 4 — TRANSITIONAL PROVISIONS AND SAVINGS

1. Each of Articles 35, 36, 37, 39, 44, 45, 47 and 48 shall apply in...
2. Any training school which at the commencement of this paragraph is approved or provided under...
3. Where at the commencement of this paragraph there is in force in relation to any...
4. In this Schedule the “Act of 1968” means the Children and Young Persons Act (Northern...

— Schedule 5—Amendments

— Schedule 6—Repeals

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