
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 2

SENTENCING

CHAPTER 1

INTERPRETATION

Interpretation of this Part

3.—(1) In this Part—

[^{F1}“Article 15A terrorism sentence” means a sentence under Article 15A;]

“community sentence” has the meaning given by Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996 (NI 24);

“curfew requirement” has the meaning given by Article 37(1);

“electronic monitoring requirement” has the meaning given by Article 40(1);

“extended custodial sentence” has the meaning given by Article 14;

^{F2}
...

[^{F3}“HSC trust”] means a [^{F4}Health and Social Care trust] established under Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1);

“indeterminate custodial sentence” has the meaning given by Article 13(4);

“the Parole Commissioners” means the Parole Commissioners for Northern Ireland;

“prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953 (c. 18);

“probation order” means an order under Article 10 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24);

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

“default” means a 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;

“serious harm” means death or serious personal injury, whether physical or psychological;

[^{F5}“serious terrorism sentence” has the meaning given by Article 13A;]

“youth conference order” means an order under Article 36J of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9);

“young offenders centre” has the meaning given by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29).

(2) For the purposes of this Part, an offence is associated with another if—

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 2008, CHAPTER 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the offender is convicted of both offences in the same proceedings, or is sentenced for both offences at the same time; or
- (b) the offender admits the commission of it in the sentencing proceedings for the other offence and requests the court to take it into consideration in the sentence for that offence.
- (3) For the purposes of this Part, where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it shall be taken to have been committed on the last of those days
- (4) Where the age of any person at any time is material for the purposes of any provision of this Part, 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.
- [^{F6}(5) For the purposes of this Part, references to an offence punishable with imprisonment for a certain term are to be read as references to an offence that is punishable with imprisonment for that term on conviction on indictment in the case of an offender aged 21 or over.]

Textual Amendments

- F1** Words in [art. 3\(1\)](#) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 72\(2\)\(a\)](#)
- F2** Words in [art. 3\(1\)](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 226\(2\)](#); S.R. 2022/102, art. 2(b)
- F3** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)
- F4** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(c\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)
- F5** Words in [art. 3\(1\)](#) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 66\(2\)](#)
- F6** [Art. 3\(5\)](#) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 72\(2\)\(b\)](#)

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)