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STATUTORY INSTRUMENTS

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**2008 No. 1216**

**The Criminal Justice (Northern Ireland) Order 2008**

**PART 2**

**SENTENCING**

**CHAPTER 8**

**ENFORCEMENT OF CERTAIN ORDERS MADE ON CONVICTION**

**Enforcement of certain community orders**

47.—(1) Schedule 2 to the [Criminal Justice \(Northern Ireland\) Order 1996 \(NI 24\)](#) (enforcement of certain community orders) is amended as follows.

(2) In paragraph 2 for sub-paragraph (2) substitute—

“(2) Any summons or warrant issued under this paragraph shall direct the offender to appear or be brought—

- (a) in the case of a drug treatment and testing order, before the court responsible for the order;
- (b) in the case of any other order—
  - (i) if the order was made by the Crown Court, before that court;
  - (ii) if the order was made by a magistrates' court, before a court of summary jurisdiction acting for the petty sessions district concerned.

(3) If—

- (a) a warrant is issued under this paragraph requiring an offender to be brought before the Crown Court, and
- (b) the offender cannot forthwith be brought before the Crown Court because it is not being held,

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court having jurisdiction in the place where he is arrested.

(4) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (3), that court shall commit the offender in custody or on bail to the Crown Court.”.

(3) In paragraph 3(1) for the words from the beginning to “paragraph 2” substitute “Where under paragraph 2 an offender is brought or appears before a court of summary jurisdiction and it is proved to the satisfaction of the court”

(4) In paragraph 3 omit—

- (a) in sub-paragraph (1)(d) the words “where the relevant order was made by a magistrates' court”; and
- (b) sub-paragraphs (3) and (4).

- (5) In paragraph 4(1) omit “or by virtue of paragraph 3(3)”
- (6) In paragraph 7(1) after “relevant order” insert “made by a magistrates' court”.
- (7) In paragraph 7 for sub-paragraph (2) substitute—
- “(2) The court may—
- (a) revoke the order; or
- (b) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by the court of the offence.”.
- (8) In paragraph 7(3) for “sub-paragraph (2)(a)(i)” substitute “sub-paragraph (2)(a)”.
- (9) In paragraph 7(4) for “sub-paragraph (2)(a)(ii)” substitute “sub-paragraph (2)(b)”.
- (10) Omit paragraph 7(5).
- (11) In paragraph 8 for sub-paragraphs (1) and (1A) substitute—
- “(1) This paragraph applies where —
- (a) a relevant order made by the Crown Court is in force in respect of an offender and the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other way for the offences in respect of which the order was made; or
- (b) an offender in respect of whom a relevant order is in force is convicted of an offence before the Crown Court.”.
- (12) In paragraph 8 at the end add—
- “(5) Where this paragraph applies by virtue of sub-paragraph (1)(a) and the Crown Court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (6) No application may be made by the offender under sub-paragraph (1)(a) while an appeal against the relevant order is pending.”.

### **Enforcement of certain youth justice orders**

**48.**—(1) Schedule 1A to the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#) (enforcement of reparation orders, community responsibility orders and youth conference orders) is amended as follows.

- (2) In paragraph 1 after sub-paragraph (2) insert—
- “(2A) In this Schedule “the relevant court”, in relation to a relevant order, means—
- (a) the appropriate court, if the relevant order was made by a magistrates' court; and
- (b) the Crown Court, if the relevant order was made by the Crown Court.”
- (3) In paragraph 2(1) and (2) for “appropriate court” substitute “relevant court”.
- (4) In paragraph 3(1) and (2) for “court” substitute “relevant court”.
- (5) In paragraph 3(3) and (4)(a) and (b) for “appropriate court” substitute “relevant court”.
- (6) In paragraph 4 for sub-paragraphs (1) to (4) substitute—
- “(1) The relevant court may (instead of making an order under paragraph 3)—
- (a) revoke the order (if it is still in force); and

- (b) deal with the offender, for the offence in respect of which it was made, in any way in which it could deal with him if he had just been found guilty of the offence by or before the court.”
- (7) In paragraph 4(5) for “sub-paragraph (4)” substitute “this paragraph”.
- (8) In paragraph 4(6) for “the court may” substitute “the relevant court may”.
- (9) Omit paragraph 5(2).