

Status: Point in time view as at 01/10/1992.

Changes to legislation: Criminal Justice Act 1991, Part III is up to date with all changes known to be in force on or before 23 June 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)

SCHEDULES

SCHEDULE 3

RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

Commencement Information

II Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

PART III

TRANSFER OF PROBATION ORDERS FROM NORTHERN IRELAND

Commencement Information

II Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

- 10 (1) Where, in the case of an offender of or over the age of 16 years, a court in Northern Ireland considering the making of a probation order is satisfied that the offender resides in England and Wales, or will be residing there when the order comes into force, section 1 of the ^{M1}Probation Act (Northern Ireland) 1950 (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—

“(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the probation committee for the area which contains the petty sessions area in which he resides or will reside.”

- (2) Where a probation order has been made by a court in Northern Ireland and—
- (a) a court of summary jurisdiction acting for the petty sessions district in Northern Ireland for the time being specified in the order is satisfied that the offender has attained the age of 16 years and proposes to reside or is residing in England and Wales; and
 - (b) it appears to the court that suitable arrangements for his supervision can be made by the probation committee for the area which contains the petty sessions area in which he resides or will reside,

the power of the court to amend the order under Schedule 2 to the ^{M2}Probation Act (Northern Ireland) 1950 shall include power to amend it by requiring him to be supervised in accordance with arrangements so made.

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- (3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, sections 2, 2A and 2B of the ^{M3}Probation Act (Northern Ireland) 1950 shall have effect as if—
- (a) any reference to a probation officer were a reference to a probation officer assigned to the petty sessions area in England and Wales in which the offender resides or will be residing when the order or amendment comes into force;
 - (b) the reference in section 2(2) to treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the ^{M4}Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health and Social Services for Northern Ireland for the purposes of that section were a reference to treatment as a resident patient in a mental hospital within the meaning of paragraph 5 of Schedule 1A to the 1973 Act;
 - (c) the reference in section 2A(5) to the Probation Board for Northern Ireland were a reference to the probation committee for the area in which the premises are situated; and
 - (d) references in section 2B to a day centre were references to a probation centre within the meaning of paragraph 3 of Schedule 1A to the 1973 Act.
- (4) A probation order made or amended in accordance with this paragraph shall specify the petty sessions area in England and Wales in which the offender resides or will be residing when the order or amendment comes into force.

Commencement Information

I2 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M1 1950 c. 7. (N.I.).

M2 1950 c. 7. (N.I.).

M3 1950 c. 7. (N.I.).

M4 S.I. 1972/1265 (N.I. 14).

- 11 (1) Where a probation order is made or amended in any of the circumstances specified in paragraph 10 above, the court which makes or amends the order shall send three copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.
- (2) Where a probation order is made or amended in any of the circumstances specified in paragraph 10 above, then, subject to the following provisions of this paragraph—
- (a) the order shall be treated as if it were a probation order made in England and Wales; and
 - (b) the provisions relating to such orders of the 1973 Act and Schedule 2 to this Act (except paragraphs 9 and 10) shall apply accordingly.
- (3) Before making or amending a probation order in the circumstances specified in paragraph 10 above the court shall explain to the offender in ordinary language—
- (a) the requirements of the 1973 Act relating to probation orders;

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- (b) the powers of the home court under that Act and Schedule 2 to this Act, as modified by this paragraph; and
 - (c) its own powers under this paragraph,
- and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under section 1(5) of the ^{M5}Probation Act (Northern Ireland) 1950.
- (4) The home court may exercise in relation to the probation order any power which it could exercise in relation to a probation order made by a court in England and Wales by virtue of the 1973 Act, except a power conferred by paragraph 3(1)(d), 4(1)(d), 7(2) or 8(2) of Schedule 2 to this Act.
- (5) If at any time while the 1973 Act applies by virtue of sub-paragraph (2) above to a probation order made in Northern Ireland it appears to the home court—
- (a) on information to a justice of the peace acting for the petty sessions area for the time being specified in the order, that the offender has failed to comply with any of the requirements of the 1973 Act applicable to the order; or
 - (b) on the application of the offender or the probation officer, that it would be in the interests of justice for the power conferred by paragraph 1 of Schedule 2 to the Probation Act (Northern Ireland) 1950 to be exercised,
- the home court may require the offender to appear before the court which made the order.
- (6) Where an offender is required by virtue of sub-paragraph (5) above to appear before the court which made the probation order, that court—
- (a) may issue a warrant for his arrest; and
 - (b) may exercise any power which it could exercise in respect of the probation order if the offender resided in Northern Ireland,
- and section 4(2) to (7) of the Probation Act (Northern Ireland) 1950 shall have effect accordingly.
- (7) Where an offender is required by virtue of paragraph (a) of sub-paragraph (5) above to appear before the court which made the probation order—
- (a) the home court shall send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and
 - (b) a certificate purporting to be signed by the clerk of the home court shall be admissible as evidence of the failure before the court which made the order.
- (8) In this paragraph “home court” means, if the offender resides in England and Wales, or will be residing there at the time when the order or the amendment to it comes into force, the court of summary jurisdiction acting for the petty sessions area in which he resides or proposes to reside.

Commencement Information

I3 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), Sch. 2.

Marginal Citations

M5 1950 c. 7. (N.I.).

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