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Changes to legislation: Justice (Northern Ireland) Act 2002, SCHEDULE 12 is up to date with all changes known to be in force on or before 07 October 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 12

Section 85

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.))

- 1 Section 18(3) of the Criminal Justice Act (Northern Ireland) 1945 (prosecution of offences against a corporation) shall continue to have effect with the substitution (originally made by Article 10 of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))) of “an indictment has been presented” for the words from “a grand jury” to “a true Bill”.

Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

- 2 Section 20(3) of the Interpretation Act (Northern Ireland) 1954 (offences by bodies corporate) shall continue to have effect with the substitution (originally made by Article 9(3) of the Prosecution of Offences (Northern Ireland) Order 1972) of “except by or with the consent of the Attorney-General or the Director of Public Prosecutions for Northern Ireland” for “except upon the direction of the Attorney-General”.

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

- 3 The County Courts Act (Northern Ireland) 1959 has effect subject to the following amendments.
- 4 (1) Section 102 (appointment and assignment of judges) is amended as follows.
- (2) In subsection (4) (assignment of one judge to each division), for “one judge” substitute “one or more judges”.
- (3) In subsection (5) (judge assigned to Belfast or Londonderry to be Recorder), after “judge” insert “, or (if more than one) one of the judges, ”.
- 5 In section 106(2) (salary payable to judge from date on which he takes the oaths required by section 105(3)), for “oaths required by section 105(3)” substitute “required oath or makes the required affirmation and declaration”.

Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))

- 6 Sections 73, 96, 97, 106(1) and 120 of, and paragraph 12 of Schedule 8 to, the Electoral Law Act (Northern Ireland) 1962 (prosecution of offences disclosed on election petitions) shall continue to have effect with the substitution (originally made by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))) of “The Director of Public Prosecutions for Northern Ireland” for “The Chief Crown Solicitor”.

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Law Commissions Act 1965 (c. 22)

- 7 The Law Commissions Act 1965 has effect subject to the following amendments.
- 8 In section 1(1) (purpose of Law Commission), after “of the law” insert “ of England and Wales ”.
- 9 In section 3(4) (duty of Law Commission and Scottish Law Commission to consult each other), insert at the end “ and the Northern Ireland Law Commission ”.

VALID FROM 12/04/2010

Administration of Justice Act 1973 (c. 15)

- 10 The Administration of Justice Act 1973 has effect subject to the following amendments.

VALID FROM 12/04/2010

- 11 In section 9(5) (judicial salaries), after “Salaries payable” insert “ under subsection (1)(d) shall be charged on and paid out of the Consolidated Fund of Northern Ireland and other salaries payable ”.

VALID FROM 12/04/2010

- 12 In section 12(1) (retirement of higher judiciary in event of incapacity), after “Northern Ireland” insert “ (other than a judge to whom section 7 of the Justice (Northern Ireland) Act 2002 applies) ”.

PROSPECTIVE

Judicature (Northern Ireland) Act 1978 (c. 23)

^{F1}13

Textual Amendments

F1 Sch. 12 para. 13 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 4 para. 37 (with Sch. 5 para. 16); S.I. 2010/812, art. 2

PROSPECTIVE

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 14 In Article 6(6) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for certain orders), after sub-paragraph (b) insert—

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“(ba) a custody care order under Article 44A of that Order of 1998;”.

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

15 (1) Section 9 of the Criminal Appeal (Northern Ireland) Act 1980 (appeal to Court of Appeal) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), after “1996” insert “ or a youth conference order ”, and
- (b) in paragraph (b), after “community order” insert “ or the youth conference order ”.

(3) In subsection (3)(c), for “paragraph 4(1)(a)” substitute “ paragraph (a), or against whom an order is made under paragraph (b) or (c), of paragraph 4(1) ”.

(4) After that subsection insert—

“(3A) A person may appeal to the Court of Appeal against a decision under paragraph 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) not to revoke an order which is in force with respect to him; and on such an appeal the Court of Appeal may do anything which the Crown Court could do under that paragraph.

(3B) A person may appeal to the Court of Appeal against the dismissal of an application to the Crown Court under paragraph 5 of Schedule 1A to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) to make an order under sub-paragraph (1) of that paragraph.”

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

16 The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 has effect subject to the following amendments.

17 In Article 1(3) (power to bring into force paragraphs 1(b) and 5 of Part 1 of Schedule 1 to that Order), for “Paragraphs 1(b) and 5” substitute “ Paragraph 1(b) ”.

PROSPECTIVE

18 F2

Textual Amendments

F2 Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), Sch. 5 (with art. 45); S.R. 2003/440, art. 3, Sch.

PROSPECTIVE

19 F3

Status: Point in time view as at 16/04/2007. This version of this schedule contains provisions that are not valid for this point in time.

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Textual Amendments

- F3** Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), **Sch. 5** (with art. 45); S.R. 2003/440, **art. 3**, Sch.

PROSPECTIVE

20 **F4**

Textual Amendments

- F4** Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), **Sch. 5** (with art. 45); S.R. 2003/440, **art. 3**, Sch.

PROSPECTIVE

21 **F5**

Textual Amendments

- F5** Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), **Sch. 5** (with art. 45); S.R. 2003/440, **art. 3**, Sch.

PROSPECTIVE

22 **F6**

Textual Amendments

- F6** Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), **Sch. 5** (with art. 45); S.R. 2003/440, **art. 3**, Sch.

23 In Article 28(2) (free legal aid in the magistrates' court: representation by counsel), for "proceedings" substitute "defence".

24 In Article 31 (resolution of doubts), after "28," insert " 28A, ".

25 In Article 32 (statements for purposes of free legal aid), after "28," insert " 28A, ".

26 In Article 36(3) (rules about free legal aid in criminal proceedings), after subparagraph (b) insert—

“(bb) the form for the purpose of Article 28A(2)(a);”.

27 In Article 39 (interpretation of Part 3)—

(a) after the definition of “the certifying authority” insert—

““child” has the meaning given in Article 2(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);

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- “court-ordered youth conference” has the meaning assigned to that expression by Article 33A(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”
- (b) in the definition of “criminal aid certificate” after “28(1),” insert “ 28A(3),” and
 - (c) after that definition insert—
““diversionary youth conference” has the meaning assigned to that expression by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

Commencement Information

- II** Sch. 12 para. 27 wholly in force at 30.8.2005; Sch. 12 para. 27 not in force at Royal Assent see s. 87; Sch. 12 para. 27 in force for certain purposes at 1.12.2003 by S.R. 2003/488, art. 2, Sch.; Sch. 12 para. 27 in force for remaining purpose at 30.8.2005 by S.R. 2005/391, art. 2, Sch. para. 9(a)

PROSPECTIVE

F728

Textual Amendments

- F7** Sch. 12 para. 28 repealed (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), Sch. 5 (with art. 45); S.R. 2015/194, art. 2, Sch. (with art. 3)

Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 29 The Magistrates’ Courts (Northern Ireland) Order 1981 has effect subject to the following amendments.

PROSPECTIVE

- 30 In Article 47(6) (period of remand), after “1998” insert “; and
(ba) a custody care order within the meaning of that Order.”

- 31 (1) Article 140 (appeals to county court) is amended as follows.
- (2) In paragraph (2), for “made on conviction,” substitute “ passed on the person for the offence, whether on conviction or in subsequent proceedings, ”.
- (3) After that paragraph insert—
“(2A) A person may appeal to a county court against—
(a) a fine imposed under paragraph (a), or an order made under paragraph (b) or (c), of paragraph 3(1) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24);
(b) the dismissal of an application under Part 3 or 4 of that Schedule;

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- (c) a fine imposed, or an order made, under Article 41(2) or 44F(3) or (4) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);
- (d) an order made under Article 44C(3)(a) or 54(3)(a) of that Order;
- (e) an order made under paragraph 3 of Schedule 1A to that Order; or
- (f) the dismissal of an application under paragraph 5 of that Schedule (otherwise than to the Crown Court) to make an order under sub-paragraph (1) of that paragraph.”

Commencement Information

- I2** [Sch. 12 para. 31](#) partly in force; [Sch. 12 para. 31](#) not in force at Royal Assent, see [s. 87](#); [Sch. 12 para. 31](#) in force for certain purposes at 1.12.2003 by [S.R. 2003/488](#), [art. 2](#), [Sch.](#)

PROSPECTIVE

Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17))

- 32 The Child Abduction (Northern Ireland) Order 1985 has effect subject to the following amendments.

PROSPECTIVE

- 33 In Article 3(7) (application of offence of abduction of child in care or subject to certain orders) insert at the end “or a custody care order.”

PROSPECTIVE

- 34 (1) Paragraph 4 of the Schedule (modifications of Article 3 for children in certain cases) is amended as follows.
- (2) In sub-paragraph (1), after “order” insert “ or a custody care order ”.
- (3) In sub-paragraph (2)(a)—
- (a) after “consent of” insert “ , in the case of a juvenile justice centre order, ”, and
 - (b) after “juvenile justice centre” insert “ or, in the case of a custody care order, the appropriate authority within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998 ”.
- (4) In sub-paragraph (3), insert at the end “ and “custody care order” has the same meaning as in Article 44A of that Order. ”

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PROSPECTIVE

Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4))

35 The Mental Health (Northern Ireland) Order 1986 has effect subject to the following amendments.

PROSPECTIVE

36 In Article 44(8) (orders which can be made in conjunction with hospital or guardianship orders), for the words from “including” to the end substitute “including juvenile justice centre orders and custody care orders under the Criminal Justice (Children) (Northern Ireland) Order 1998.”

PROSPECTIVE

37 In Article 50A(7) (remitting persons for trial following detention in hospital)—
(a) after sub-paragraph (d) insert “; or
(e) to secure accommodation;”, and
(b) for “or juvenile justice centre” substitute “ , juvenile justice centre or secure accommodation ”.

PROSPECTIVE

38 In Article 53(5)(a) (removal to hospital of certain persons serving sentences of imprisonment), for the words from “including” to “juvenile justice centre” substitute “ including juvenile justice centre orders and custody care orders under the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9) ”.

PROSPECTIVE

39 (1) Article 56 (further provision as to prisoners under sentence) is amended as follows.
(2) In paragraph (1)—
(a) for “or juvenile justice centre” substitute “ , juvenile justice centre or secure accommodation ”, and
(b) in sub-paragraph (b), after “juvenile justice centre” insert “ or the authority providing the secure accommodation ”.
(3) In paragraph (3), for “or juvenile justice centre” substitute “ , juvenile justice centre or secure accommodation ”.

PROSPECTIVE

40 (1) Article 61 (interpretation) is amended as follows.
(2) In paragraph (1A)—

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- (a) for “means any juvenile justice centre,” substitute “ means any young offenders centre, any juvenile justice centre, any secure accommodation, ”, and
- (b) insert at the end “ ; and in this paragraph “young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)). ”

(3) After paragraph (1A) insert—

“(1B) In this Part “secure accommodation” means accommodation provided by an authority (within the meaning of the Children (Northern Ireland) Order 1995 (N.I. 2)) for the purpose of restricting liberty.”

VALID FROM 12/04/2010

Criminal Justice Act 1988 (c. 33)

- 41 In paragraph 12 of Schedule 3 to the Criminal Justice Act 1988 (reviews of sentencing: supplementary), for “Attorney General for Northern Ireland” substitute “ Director of Public Prosecutions for Northern Ireland ”.

PROSPECTIVE

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 42 The Police and Criminal Evidence (Northern Ireland) Order 1989 has effect subject to the following amendments.

PROSPECTIVE

- 43 (1) Article 2(2) (interpretation) is amended as follows.
- (2) After the definition of “items subject to legal privilege” insert—
- ““juvenile justice centre” has the same meaning as in the Criminal Justice (Children) (Northern Ireland) Order 1998;”.
- (3) After the definition of “recordable offence” insert—
- ““secure accommodation” means accommodation provided by an authority (within the meaning of the Children (Northern Ireland) Order 1995) for the purpose of restricting liberty;”.
- (4) At the end insert—
- ““young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.));”.

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PROSPECTIVE

- 44 In Article 2(5) (definition of “custodial establishment”), after “juvenile justice centre” insert “, secure accommodation”.

PROSPECTIVE

- 45 In Article 19(1)(ca) (entry for purpose of arrest), after “juvenile justice centre” insert “ or secure accommodation”.

PROSPECTIVE

- 46 In Article 39(8) (place of safety), for “means any juvenile justice centre,” substitute “ means any young offenders centre, any juvenile justice centre, any secure accommodation, ”.

Child Support Act 1991 (c. 48)

- 47 In paragraph 8 of Schedule 4 to the Child Support Act 1991 (application to Northern Ireland of provisions about Child Support Commissioners), after sub-paragraph (a) insert—
“(aa) paragraph 1(3) were omitted;”.

PROSPECTIVE

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 48 In Schedule 9 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in paragraph 1(1)(b) (exclusion of entitlement to child benefit for children in detention, care, etc.), after “juvenile justice centre” insert “ or kept in secure accommodation under a custody care order”.

Criminal Appeal Act 1995 (c. 35)

- 49 (1) Section 22 of the Criminal Appeal Act 1995 (meaning of public body etc.) is amended as follows.
- (2) In subsection (3)(a), for “Office of the Director of Public Prosecutions for Northern Ireland” substitute “ Public Prosecution Service for Northern Ireland ”.
- (3) In subsection (4)(c), for “Office of the Director of Public Prosecutions for Northern Ireland, that Director” substitute “ Public Prosecution Service for Northern Ireland, the Director of Public Prosecutions for Northern Ireland ”.

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PROSPECTIVE

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

50 The Children (Northern Ireland) Order 1995 has effect subject to the following amendments.

PROSPECTIVE

51 In Article 70(7) (provisions which do not apply to those providing refuges for children at risk), after sub-paragraph (b) insert—
“(bb) Article 44C(5) of that Order (escape by child ordered to be kept in secure accommodation under a custody care order);”.

PROSPECTIVE

52 In paragraph 4(1)(b) of Schedule 4 (directions under education supervision orders where child is subject to other orders), for “or a juvenile justice centre order” substitute “, a juvenile justice centre order or a custody care order,”.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

54 The Criminal Justice (Northern Ireland) Order 1996 has effect subject to the following amendments.

- 55 (1) Article 2(2) (interpretation) is amended as follows.
- (2) In the definition of “community order”, after paragraph (c) insert—
“(ca) a reparation order;
(cb) a community responsibility order;”.
- (3) After that definition insert—
““community responsibility order” means an order under Article 36E of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);”.
- (4) In the definition of “custodial sentence”, insert at the end—
“(iv) an order under Article 44A of that Order sending the offender to secure accommodation;”.
- (5) After the definition of “probation period” insert—
““reparation order” means an order under Article 36A of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.
- (6) After the definition of “young offenders centre” insert—
““youth conference order” means an order under Article 36J of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

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Commencement Information

- I3** Sch. 12 para. 55 partly in force; Sch. 12 para. 55 not in force at Royal Assent, see s. 87; Sch. 12 para. 55(1)-(3)(5)(6) in force at 1.12.2003 by S.R. 2003/488, art. 2, Sch.

- 56 In Article 9(3) (procedural requirements for community orders), at the end insert—
“(ca) a reparation order; and
(cb) a community responsibility order.”

PROSPECTIVE

- 57 In Article 18(1) (restriction on imposing sentences of imprisonment or detention on persons not legally represented), after “order” insert “ or custody care order ”.

- 58 In Article 19(3) (court not prevented from passing custodial sentence if offender refuses to consent to community sentence), insert at the end “or a youth conference order”.

PROSPECTIVE

- 59 (1) Schedule 2 (enforcement of community orders) is amended as follows.
(2) In paragraph 11(3)—
(a) after “committed to” insert “ secure accommodation or ”, and
(b) after “assistance to” insert “ the authority keeping the child in secure accommodation, ”.
(3) In paragraph 18(3)—
(a) after “committed to” insert “ secure accommodation or ”, and
(b) after “assistance to” insert “ the authority keeping the child in secure accommodation, ”.

Sex Offenders Act 1997 (c. 51)

- 60 In section 4(1) of the Sex Offenders Act 1997 (young sex offenders), for paragraph (c) substitute—
“(c) a period for which a person is ordered to be detained in a juvenile justice centre under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9));
(ca) a period for which a person is ordered to be kept in secure accommodation under Article 44A of that Order;”.

Commencement Information

- I4** Sch. 12 para. 60 partly in force; Sch. 12 para. 60 not in force at Royal Assent see s. 87; Sch. 12 para. 60 in force for certain purposes at 30.8.2005 by S.R. 2005/391, art. 2, Sch.

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PROSPECTIVE

Police (Northern Ireland) Act 1998 (c. 32)

61 In section 42(3) of the Police (Northern Ireland) Act 1998 (copies of reports of inspectors of constabulary relating to Police Service etc.), insert at the end (but not as part of paragraph (b))—

“and, if the report was received under section 41(2), to the Chief Inspector of Criminal Justice in Northern Ireland.”

PROSPECTIVE

Northern Ireland Act 1998 (c. 47)

62 The Northern Ireland Act 1998 has effect subject to the following amendments.

63 In section 75(3) (duty on public authorities to have regard to need to promote equality of opportunity and good relations between different groups), after paragraph (cd) (inserted by section 38 of this Act) insert—

“(ce) the Chief Inspector of Criminal Justice in Northern Ireland;
(cf) the Northern Ireland Law Commission;”.

Commencement Information

I5 Sch. 12 para. 63 wholly in force at 16.4.2007; Sch. 12 para. 63 not in force at Royal Assent, see s. 87; Sch. 12 para. 63 in force for certain purposes at 1.1.2005 by S.R. 2004/502, art. 2; Sch. 12 para. 63 otherwise in force at 16.4.2007 by S.R. 2007/237, art. 2, Sch.

64 In section 76(7) (discrimination by public authorities), after “Probation Board for Northern Ireland;” insert—

“(fa) the Chief Inspector of Criminal Justice in Northern Ireland;
(fb) the Northern Ireland Law Commission;”.

Commencement Information

I6 Sch. 12 para. 64 wholly in force at 16.4.2007; Sch. 12 para. 64 not in force at Royal Assent, see s. 87; Sch. 12 para. 64 in force for certain purposes at 1.1.2005 by S.R. 2004/502, art. 2; Sch. 12 para. 64 otherwise in force at 16.4.2007 by S.R. 2007/237, art. 2, Sch.

VALID FROM 12/04/2010

65 (1) Schedule 3 (reserved matters) is amended as follows.

(2) In paragraph 1 (conferral of functions on Ministers of the Crown), insert at the end “apart from the Advocate General for Northern Ireland”.

(3) In paragraph 9 (criminal law, prosecutions etc.), after the second sentence insert—

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“This paragraph does not include any matter concerning the Advocate General for Northern Ireland.”

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

66 The Criminal Justice (Children) (Northern Ireland) Order 1998 has effect subject to the following amendments.

67 (1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2), in the definitions of “community order”, “community sentence” and “custodial sentence”—

(a) insert at the beginning “ “combination order”,”, and

(b) after “ “community sentence”” insert “ , “community service order” ”.

(3) After those definitions insert—

““community responsibility order” means an order under Article 36E;

“custody care order” means an order under Article 44A;”.

(4) In that paragraph, after the definition of “custody officer” insert—

““Director” means the Director of Public Prosecutions for Northern Ireland;”.

(5) In that paragraph, after the definition of “notice” insert—

““Order Book” means the Order Book required to be kept under rule 19 of the Magistrates’ Courts Rules (Northern Ireland) 1984 (SR 1984 No. 225);”.

(6) In that paragraph, after the definition of “parental responsibility” insert—

““place of safety” has the same meaning as in Article 39(8) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (N.I. 12);

“police officer” and “police support staff” have the same meaning as in the Police (Northern Ireland) Act 2000 (c. 32);

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

(7) In that paragraph, after the definition of “relative” insert—

““remand centre” has the same meaning as in the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.));

“reparation order” means an order under Article 36A;

“responsible officer”—

(a) in relation to an offender subject to a reparation order, has the meaning assigned to it by Article 36D(2);

(b) in relation to an offender subject to a community responsibility order, has the meaning assigned to it by Article 36E(4); and

(c) in relation to an offender subject to a youth conference order, has the meaning assigned to it by Article 36K(3);

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“secure accommodation” means accommodation provided for the purpose of restricting liberty;”.

(8) At the end of that paragraph insert—

““youth conference” has the meaning given by Article 3A, “diversionary youth conference” has the meaning given by Article 10A(2) and “court-ordered youth conference” has the meaning given by Article 33A(5);

“youth conference co-ordinator” means a person designated under Article 3A(3);

“youth conference order” has the meaning given by Article 36J(2);

“youth conference plan” has the meaning given by Article 3C.”

(9) After paragraph (3) insert—

“(4) References in this Order to an offence punishable, in the case of an adult, with imprisonment are to be construed without regard to any prohibition or restriction imposed by or under any statutory provision on the imprisonment of adults who are under the age of 21.

(5) References in this Order to associated offences are to be construed in accordance with Article 2(7) of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24).”

Commencement Information

17 Sch. 12 para. 67 partly in force; Sch. 12 para. 67 not in force at Royal Assent, see s. 87; Sch. 12 para. 67 in force for certain purposes at 1.12.2003 by S.R. 2003/488, art. 2, Sch.

PROSPECTIVE

68 In Article 8(3) and (4) (child not released under Article 7), for “a juvenile justice centre” substitute “secure accommodation provided by or on behalf of the appropriate authority”.

69 (1) Article 13 (remand in custody) is amended as follows.

(2) In paragraph (1), for the words after “open court” substitute “and—

- (a) if the child has not attained the age of 14, shall make an order committing him to secure accommodation provided by or on behalf of the appropriate authority;
- (b) if the child has attained the age of 14 but has not attained the age of 17, shall (subject to paragraph (1A)) make an order committing him to a juvenile justice centre; and
- (c) if the child has attained the age of 17, shall (subject to paragraph (1B)) make an order committing him to a young offenders centre.”

(3) After that paragraph insert—

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“(1A) In the case of a child who has attained the age of 15 but has not attained the age of 17 the court shall make an order committing him to a young offenders centre (and not an order committing him to a juvenile justice centre) if it considers that he is likely to injure himself or another person.

(1B) In the case of a child—

- (a) who has attained the age of 17 but who, at the time of the court’s first decision in respect of the offence in question not to release him on bail, has not attained the age of 17 years and six months; and
- (b) who has not had a custodial sentence imposed on him within the last two years,

the court shall make an order committing him to a juvenile justice centre (and not an order committing him to a young offenders centre) if, after considering a report made by a probation officer, it considers that it is in his best interests to make such an order.

(1C) An order under this Article shall commit the child for the period for which he is remanded or until he is brought back before the court.”

Commencement Information

18 Sch. 12 para. 69 partly in force; Sch. 12 para. 69 not in force at Royal Assent see s. 87; Sch. 12 para. 69(3) in force and Sch. 12 para. 69(1) in force for certain purposes at 30.8.2005 by S.R. 2005/391, art. 2, Sch.

- 70 In Article 30(3) (powers of youth court when child becomes adult)—
- (a) after “a community order” insert “, a youth conference order”, and
 - (b) after “the community order” (in both places) insert “ or youth conference order”.
- 71 In Article 37(4) (requirements of attendance centre orders), for the words from “be such” to the end substitute “, so far as practicable, be such as to avoid any conflict with the child’s religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.”
- 72 In Article 39(1) (juvenile justice centre orders)—
- (a) after “a child” insert “ who has attained the age of 14”, and
 - (b) for “to which Article 45(1) applies” substitute “ the sentence for which is, in the case of an adult, fixed by law as imprisonment for life”.

Commencement Information

19 Sch. 12 para. 72 partly in force; Sch. 12 para. 72 not in force at Royal Assent see s. 87; Sch. 12 para. 72(b) in force at 30.8.2005 by S.R. 2005/391, art. 2, Sch.

- 73 (1) Article 41 (breach of supervision requirements of juvenile justice centre order) is amended as follows.
- (2) In paragraph (2)—
- (a) for “in any of” substitute “ in either of”,
 - (b) for sub-paragraph (a) substitute—
“(a) it may impose on him a fine not exceeding £1,000;”

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and

- (c) for paragraphs (i) and (ii) of sub-paragraph (b) substitute—
- “(i) in a juvenile justice centre if he has not attained the age of 17 or falls within paragraph (2A); or
(ii) in a young offenders centre in any other case.”

(3) After that paragraph insert—

- “(2A) The offender falls within this paragraph if he—
- (a) has attained the age of 17;
- (b) has not attained the age of 18 and will not attain that age within the next 30 days; and
- (c) has not had a custodial sentence (other than the juvenile justice centre order in question) imposed on him within the last two years, and the court, after considering a report made by a probation officer, considers that it is in his best interests to order him to be detained in a juvenile justice centre (and not in a young offenders centre).
- (2B) Where the court imposes a fine on the offender under paragraph (2)(a)—
- (a) if he has not attained the age of 16, it shall order that the fine be paid by the parent or guardian of the child instead of by the child, unless it is satisfied that there is good reason for not so doing; and
- (b) if he has attained that age but has not attained the age of 18, it may so order.
- (2C) A fine ordered under paragraph (2B) to be paid by a parent or guardian may be recovered from him by distress, or he may be imprisoned in default of payment, in like manner as if the order had been made on the conviction of the parent or guardian of the offence for which the juvenile justice centre order was made.
- (2D) A parent or guardian may appeal to a county court against an order under paragraph (2B).”

Commencement Information

I10 Sch. 12 para. 73 partly in force; Sch. 12 para. 73 not in force at Royal Assent see s. 87; Sch. 12 para. 73(2)(c)(3) in force and Sch. 12 para. 73(1) in force for certain purposes at 30.8.2005 by S.R. 2005/391, art. 2, Sch.

- 75 In Article 56(5)(a) (power to provide for functions of Juvenile Justice Board to include power to make schemes for children subject to attendance centre orders or juvenile justice centre orders), after “subject to” insert “ reparation orders, community responsibility orders, a youth conference plan, ”.

PROSPECTIVE

Northern Ireland Act 2000 (c. 1)

- 76 The Northern Ireland Act 2000 has effect subject to the following amendments.

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PROSPECTIVE

77 In section 1(4) (effect on offices of suspension of devolved government), after “junior Minister,” insert “ as Attorney General for Northern Ireland ”.

PROSPECTIVE

78 In section 3 (restoration of devolved government), insert at the end—
“(8) If the period of appointment of the person who held office as Attorney General for Northern Ireland immediately before the date on which section 1 came into force has not expired, he resumes office on the effective date.”

PROSPECTIVE

79 In the Schedule (provisions applicable during suspension of devolved government), after paragraph 5 insert—
“5A If the office of Attorney General is vacant at the time when section 1 comes into force, or becomes vacant at any time while that section is in force, no steps are to be taken to fill the vacancy while that section is in force; but if a restoration order is subsequently made, the vacancy is to be filled in accordance with section 22 of the Justice (Northern Ireland) Act 2002.”

Terrorism Act 2000 (c. 11)

80 In paragraph 39(4)(b) and (6)(b) of Schedule 4 to the Terrorism Act 2000 (compensation where restraint order is discharged), for “member of the Office of the Director of Public Prosecutions for Northern Ireland” substitute “ member of staff of the Public Prosecution Service for Northern Ireland ”.

PROSPECTIVE

Regulatory Reform Act 2001 (c. 6)

81 ^{F8}

Textual Amendments

F8 Sch. 12 para. 81 repealed (8.1.2007) by Legislative and Regulatory Reform Act 2006 (c. 51), ss. 30, 33, Sch. (with s. 30(2)-(5))

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