
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 1996.

(2) This Order shall come into operation on such day or days as the Secretary of State may by order appoint^{F1}.

(3) An order under paragraph (2) may also appoint a day for the coming into operation of any provision of an order made under section 38(2) of the Northern Ireland Constitution Act 1973 as necessary or expedient in consequence of this Order.

F1 partly exercised SRs 1997/267, 523; 1999/230

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“attendance centre order” means an order under^{F2} Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998;]

“Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;

“combination order” means an order under Article 15;

“community order” means any of the following orders, namely—

- (a) a probation order;
 - (b) a community service order;
 - (c) a combination order;
 - (ca) ^{F3}a reparation order;
 - (cb) a community responsibility order;]
- Sub.#para. (d) rep. by 1998 NI 9*
- and
- (e) an attendance centre order;

^{F3}“community responsibility order” means an order under Article 36E of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);]

Status: Point in time view as at 14/01/2015.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 1996, PART I is up to date with all changes known to be in force on or before 22 May 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)

“community sentence” means a sentence which consists of or includes one or more community orders;

“community service order” means an order under Article 13;

“custodial sentence” means—

- (a) in relation to an offender of or over the age of 21 years, a sentence of imprisonment; and
- (b) in relation to an offender under that age,—
 - (i) a sentence of imprisonment for a term of more than 4 years;
 - (ii) [^{F2}a sentence of detention in a young offenders centre or a sentence of detention during the Secretary of State's pleasure under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 [^{F4}or a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008];
 - (iii) an order under Article 39 of that Order sending the offender to a juvenile justice centre;]

“custody probation order” means an order under Article 24;

“HSS trust” means a Health and Social Services trust established under Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991 and “authorised HSS trust” shall be construed in accordance with paragraph (3);

“mentally disordered”, in relation to any person, means suffering from a mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986;

“Order Book” means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984;

“order for conditional discharge” means an order under Article 4 discharging a person subject to the condition specified in Article 4(1)(b);

“period of conditional discharge” means the period specified in an order for conditional discharge;

“pre-sentence report” means a report in writing which—

- (a) with a view to assisting the court in determining the most suitable method of dealing with an offender, is made or submitted by a probation officer or a social worker of a Board or authorised HSS trust; and
- (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State;

“Probation Board” means the Board established by the Probation Board (Northern Ireland) Order 1982;

“probation order” means an order under Article 10;

“probation period” means the period specified in a probation order;

[^{F3}“reparation order” means an order under Article 36A of the Criminal Justice (Children) (Northern Ireland) Order 1998;]

“sentence of imprisonment” does not include a committal or attachment for contempt of court;

“sexual offence”, except in Article 45(1)(b), [^{F5} means any of the following—

- (a) a sexual offence within the meaning of Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (b) an offence under section 3 of the Sexual Offences (Amendment) Act 2000;
- (c) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit any of the offences in paragraph (a) or (b);

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- (d) an offence under Article 9 of that Order of conspiracy to commit any of those offences;
- (e) an offence of inciting another to commit any of those offences;]

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

Definition rep. by 1998 NI 9

“violent offence” means an offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition);

“young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968.

[^{F3}“youth conference order” means an order under Article 36J of the Criminal Justice (Children) (Northern Ireland) Order 1998;]

(3) A reference in any provision of this Order to an “authorised HSS trust” is a reference to an HSS trust by which functions under that provision are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994.

(4) For the purposes of this Order except Article 10(4) or 13(S), where an order for discharge, a probation order or a community service order has been made on appeal, the order shall be treated as if it had been made by the court from which the appeal was brought.

(5) For the purposes of any reference (however expressed) in this Order to a term of imprisonment or to a term of detention in a young offenders centre, consecutive terms shall be treated as a single term.

(6) For the purposes of any reference in this Order to a sentence of imprisonment or detention in a young offenders centre, that reference includes—

- (a) a sentence or term passed by a court in the United Kingdom, the Channel Islands or the Isle of Man;
- (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence (within the meaning of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957).

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

- (a) the offender is convicted of it in the proceedings in which he is convicted of the other offence, or (although convicted of it in earlier proceedings) is sentenced for it at the same time as he is sentenced for that offence; or
- (b) the offender admits the commission of it in the proceedings in which he is sentenced for the other offence and requests the court to take it into consideration in sentencing him for that offence.

(8) In this Order any reference, in relation to an offender convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

[^{F6}(9) For the purposes of this Order, a sentence falls to be imposed under paragraph (2) of [^{F7} Article 70] of the Firearms (Northern Ireland) Order [^{F7} 2004] [^{F8} or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006] [^{F9} or section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015] if it is required by [^{F10} that provision] and the court is not of the opinion there mentioned.]

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- F2** 1998 NI 9
- F3** 2002 c. 26
- F4** Words in art. 2(2) in definition of "custodial sentence" added (15.5.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(1), **Sch. 5 para. 7(1)**; S.R. 2008/217, **art. 2**, Sch. (subject to saving in art. 3(1)(2)(b)(ii))
- F5** 2003 NI 13
- F6** 2003 c. 44
- F7** 2004 NI 3
- F8** Words in art. 2(9) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 51, 66(2), **Sch. 2 para. 2(11)(a)**; S.I. 2007/858, **art. 2(i)(j)**
- F9** Words in art. 2(9) inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), **ss. 7(7)(a)**, 28(2)
- F10** Words in art. 2(9) substituted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), **ss. 7(7)(a)**, 28(2)

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