

Status: Point in time view as at 06/10/2008.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 1996, Paragraph 4 is up to date with all changes known to be in force on or before 18 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)

SCHEDULES

SCHEDULE 2

ENFORCEMENT ETC. OF COMMUNITY ORDERS

PART II

BREACH OF REQUIREMENT OF ORDER

Powers of Crown Court

4.—(1) Where^{F1} an offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements of the relevant order, that court may deal with him in respect of the failure in any one of the following ways, namely—

- (a) it may impose on him a fine not exceeding £1,000;
- (b) subject to paragraph 6(3) to (5), it may make a community service order in respect of him;
- (c) where the relevant order is a probation order and the case is one to which^{F2} Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies, it may make an order under that Article] requiring him to attend at an attendance centre; or
- (d) it may revoke the order and deal with him, 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 or before the court of the offence.

(2) In dealing with an offender under sub-paragraph (1)(d), the Crown court—

- (a) shall take into account the extent to which the offender has complied with the requirements of the relevant order; and
- (b) may assume, in the case of an offender who has wilfully and persistently failed to comply with those requirements, that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent.

(3) In proceedings before the Crown Court under this paragraph any question whether the offender has failed to comply with the requirements of the relevant order shall be determined by the court and not by the verdict of a jury.

F1 Words in Sch. 2 para. 4(1) repealed (6.10.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 47(5), 102(2), Sch. 6 Pt. 1; S.R. 2008/383, art. 2, Sch. (subject to transitional provisions in art. 3)

F2 1998 NI 9

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