

---

STATUTORY INSTRUMENTS

---

**1998 No. 1504**

**The Criminal Justice (Children) (Northern Ireland) Order 1998**

PART VI

SENTENCING AND OTHER POWERS

*[<sup>F1</sup>Youth conferences*

**[<sup>F1</sup>]<sup>F2</sup>Court-ordered youth conferences**

**33A.**—(1) Subject to Articles 33B and 33C, a court must refer the case of a child who has been found guilty of an offence by or before the court to a youth conference co-ordinator for him to convene a court-ordered youth conference with respect to the child and the offence, unless the offence falls within paragraph (2).

(2) The offences falling within this paragraph are—

- (a) offences the sentence for which is, in the case of an adult, fixed by law as imprisonment for life;
- (b) offences which are, in the case of an adult, triable only on indictment; and
- (c) offences which are scheduled offences for the purposes of Part 7 of the Terrorism Act 2000 (c. 11).

(3) If a child has been found guilty by or before a court of an offence which—

- (a) falls within sub-paragraph (b) or (c) of paragraph (2); but
- (b) does not fall within sub-paragraph (a) of that paragraph,

the court may, where it considers it appropriate to do so, refer the case to a youth conference co-ordinator for him to convene a court-ordered youth conference with respect to the child and the offence.

(4) Where a child—

- (a) is in breach of a community order or youth conference order and falls to be dealt with by a court for the offence in respect of which the order was made as if he had just been found guilty of the offence; or
- (b) appeals to a court against any sentence or order imposed on him in respect of an offence,

the court may, where it considers it appropriate to do so, refer the case to a youth conference co-ordinator for him to convene a court-ordered youth conference with respect to the child and the offence.

(5) A court-ordered youth conference is a youth conference convened with a view to the making to the court by a youth conference co-ordinator of one of the following recommendations—

- (a) that the court exercise its powers (apart from Article 36J) to deal with the child for the offence;
- (b) that the child be subject to a youth conference plan in respect of the offence; or

- (c) that the court exercise its powers to deal with the child for the offence by imposing a custodial sentence and that the child be subject to a youth conference plan in respect of the offence.
- (6) A court must not make a reference under this Article unless the child agrees that he will participate in a court-ordered youth conference with respect to the offence.
- (7) And if the child withdraws his agreement before the court-ordered youth conference is completed, the court-ordered youth conference is terminated (or, if not yet started, does not take place).
- (8) If a court makes a reference under this Article, the court may not deal with the child for the offence until the court has received a report under Article 33E(3) or (7) following the completion of the court-ordered youth conference (or the court-ordered youth conference is terminated before completion or does not take place).
- (9) If a recommendation is made to a court under paragraph (5), the court must consider it before dealing with the child for the offence.
- (10) The Secretary of State may by order amend paragraphs (1) to (3); and an order under this paragraph may include any incidental, consequential, transitional or supplementary provision (including the amendment, or repeal or revocation, of any statutory provision whenever passed or made, including any provision of this Order) which appears to the Secretary of State to be appropriate.
- (11) An order under paragraph (10) is subject to [<sup>F3</sup>negative resolution].]

**F1** 2002 c. 26

**F2** 2002 c. 26

**F3** Words in art. 33A(11) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 19(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 33A.