
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI **N.I.**

SENTENCING AND OTHER POWERS

[^{F1}Reparation orders

F1 2002 c. 26

[^{F2}Reparation orders **N.I.**

36A.—(1) Where a child is found guilty by or before any court of an offence, other than an offence the sentence for which is (in the case of an adult) fixed by law as imprisonment for life, the court (subject to Article 32(1)) may make a reparation order.

(2) A reparation order is an order requiring the offender to make such reparation for the offence, otherwise than by the payment of compensation, as is specified in the order—

- (a) to a person or persons so specified; or
 - (b) to the community at large.
- (3) Any person so specified must be a person identified by the court as—
- (a) a victim of the offence; or
 - (b) a person otherwise affected by it.
- (4) Before making a reparation order, the court must obtain and consider a written report by—
- (a) a probation officer;
 - (b) a social worker of the appropriate authority; or
 - (c) such other person as the Secretary of State may designate.
- (5) The report must indicate—
- (a) the type of requirements that it would be appropriate to impose on the offender; and
 - (b) the attitude of the victim or victims of the offence to the requirements proposed to be included in the order.]

F2 2002 c. 26

[^{F3}Restrictions on reparation orders **N.I.**

36B.—(1) The court must not make a reparation order in respect of the offender unless he consents.

(2) The court must not make a reparation order in respect of the offender if it proposes—

- (a) to pass on him a custodial sentence; or
- (b) to make in respect of him a community service order, a community responsibility order or a combination order.

^{F4}(3)

(4) Before making a reparation order, the court must state in open court that it is of the opinion that Article 8(1) of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24) (restrictions on imposing community sentences) applies and why it is of that opinion.

- (5) It must also explain to the offender in ordinary language—
 - (a) why it is making the order;
 - (b) the effect of the order and of the requirements proposed to be included in it;
 - (c) the consequences which may follow under Schedule 1A if he fails to comply with any of those requirements; and
 - (d) that the court has power under that Schedule to review the order on the application either of the offender or of the responsible officer.]

F3 2002 c. 26
F4 Art. 36B(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(3), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

^{F5}**Requirements of reparation orders** **N.I.**

36C.—(1) A reparation order must not require the offender—

- (a) to make reparation for more than 24 hours; or
- (b) to make reparation to any person without the consent of that person.

(2) Requirements specified in a reparation order must, as far as practicable, be such as to avoid—

- (a) any conflict with the offender's religious beliefs or with the requirements of any order to which he may be subject; and
- (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

(3) The reparation required by a reparation order must be made—

- (a) under the supervision of the responsible officer; and
- (b) within the period of six months beginning with the date on which the order is made.

(4) But, unless revoked, the order remains in force until the offender has made the reparation required by the order.

(5) The Secretary of State may make rules for regulating the making of reparation by persons subject to reparation orders.

(6) Such rules may, in particular, make provision—

- (a) regulating the functions of responsible officers;
- (b) limiting the number of hours of making reparation on any one day;
- (c) as to the reckoning of hours spent in complying with the requirements imposed by a reparation order;
- (d) as to the keeping of records of such hours; and
- (e) for the payment of travelling and other expenses incurred in connection with complying with such requirements.

(7) Rules under this Article are subject to [^{F6}negative resolution].]

- F5** 2002 c. 26
- F6** Words in art. 36C(7) 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(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

[^{F7}Supplementary provisions about reparation orders N.I.

36D.—^{F8}(1)

(2) In this Order “responsible officer”, in relation to an offender subject to a reparation order, means one of the following who is specified in the order—

- (a) a probation officer;
- (b) a social worker of the appropriate authority; and
- (c) such other person as the Secretary of State may designate.

^{F9}(3)

(4) The court by which a reparation order is made must [^{F10}as soon as is practicable] give copies of the order to—

- (a) the offender subject to the order;
- (b) his parent or guardian; and
- (c) the responsible officer.

^{F11}(5)

(6) A magistrates' court must cause a reason stated by it under Article 36B(4) or (5)(a) to be entered in the Order Book.

(7) The Secretary of State may pay any expenses of a person designated by him which are incurred under Article 36A or in performing any functions as the responsible officer of an offender subject to a reparation order.

(8) Schedule 1A (which makes provision for dealing with failures to comply with reparation orders and for their revocation and amendment) shall have effect.]]

- F7** 2002 c. 26
- F8** Art. 36D(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(5)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F9** Art. 36D(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(5)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F10** 2005 NI 15
- F11** Art. 36D(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(5)(c), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Cross Heading: Reparation orders.