
STATUTORY INSTRUMENTS

1998 No. 2839

The Criminal Justice (Northern Ireland) Order 1998

Treatment of offenders

Drug treatment and testing orders

8.—(1) This Article applies where a person aged 17 or over is convicted of an offence other than one for which the sentence is fixed by law.

(2) Subject to the provisions of this Article, the court by or before which the offender is convicted may make an order (a “drug treatment and testing order”) which—

(a) has effect for a period specified in the order of not less than 6 months nor more than 3 years (“the treatment and testing period”); and

(b) includes the requirements and provisions mentioned in Article 9.

(3) A drug treatment and testing order shall be a community order for the purposes of Part II of the Criminal Justice (Northern Ireland) Order 1996; and the provisions of that Part, which include provisions with respect to restrictions on imposing, and procedural requirements for, community sentences (Articles 8 and 9), shall apply accordingly.

(4) The court shall not make a drug treatment and testing order in respect of the offender unless it is satisfied—

(a) that he is dependent on or has a propensity to misuse drugs; and

(b) that his dependency or propensity is such as requires and may be susceptible to treatment.

(5) For the purpose of ascertaining for the purposes of paragraph (4) whether the offender has any drug in his body, the court may by order require him to provide samples of such description as it may specify; but the court shall not make such an order unless the offender expresses his willingness to comply with its requirements.

(6) The Secretary of State may by order amend paragraph (2) by substituting a different period for the minimum or maximum period for the time being specified in that paragraph.

(7) An order under paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.