
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 2

SENTENCING

CHAPTER 2

CUSTODIAL SENTENCES

Interpretation of this Chapter

4.—(1) In this Chapter—

“custodial sentence” means—

- (a) a sentence of imprisonment;
- (b) a sentence of detention in a young offenders centre;
- (c) a sentence of detention under Article 13(4)(b) or 14(5);
- (d) a sentence of detention under Article 45(1) or (2) of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#);
- (e) an order under Article 39 of that Order sending the offender to a juvenile justice centre;
- (f) an order under Article 44A of that Order sending the offender to secure accommodation;

“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 an HSS 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;

and for the purposes of this definition an “authorised HSS trust” is an HSS trust by which functions relating to such reports 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 \(NI 2\)](#).

(2) For the purposes of this Chapter—

- (a) a sentence falls to be imposed under Article 13 if, because the court is of the opinion mentioned in paragraph (1)(b) of that Article and considers that the case falls within paragraph (2) or (3) of that Article, the court is obliged to pass a sentence complying with that Article;
- (b) a sentence falls to be imposed under Article 14 if, because the court is of the opinion mentioned in paragraph (1)(b)(i) and (ii) of that Article, the court is obliged to pass a sentence complying with that Article;

- (c) a sentence falls to be imposed under paragraph (2) of Article 70 of the [Firearms \(Northern Ireland\) Order 2004 \(NI 3\)](#) if it is required by that paragraph and the court is not of the opinion there mentioned; an
- (d) a sentence falls to be imposed under paragraph 2(4) or (5) of Schedule 2 to the [Violent Crime Reduction Act 2006 \(c. 38\)](#) if it is required by that provision and the court is not of the opinion there mentioned.