

**2008 No. 252**

**MAGISTRATES' COURTS**

**The Magistrates' Courts (Criminal Justice (Children))  
(Amendment) Rules (Northern Ireland) 2008**

*Made* - - - -

*16th June 2008*

*Coming into operation in accordance with Rule 1*

The Magistrates' Courts Rules Committee makes the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a) after consultation with the Lord Chancellor and with the agreement of the Lord Chief Justice—

**Citation and commencement**

**1.**—(1) These Rules may be cited as the Magistrates' Courts (Criminal Justice (Children)) (Amendment) Rules (Northern Ireland) 2008 and, subject to paragraph (2), shall come into operation on the 16th July 2008.

(2) Rule 2(1) shall come into operation on the same day as Article 92 of the Criminal Justice (Northern Ireland) Order 2008(b) comes into operation.

**Amendment of the Magistrates' Courts (Criminal Justice (Children)) Rules (Northern Ireland) 1999**

**2.** The Magistrates' Courts (Criminal Justice (Children)) Rules (Northern Ireland) 1999 (c) are amended as follows:—

(1) In Form 3 of Schedule 1—

(a) in the heading, at the end, insert—

“CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2003

*(Article 6)*

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008

*(Article 92)”*;

(b) for “the [youth][magistrates'] court sitting at (place)”, substitute “a [youth][magistrates'] court in accordance with Article 92 of the Criminal Justice (Northern Ireland) Order 2008”; and

(c) for “Superintendent of the Royal Ulster Constabulary”, substitute “District Commander of the Police Service of Northern Ireland”.

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(a) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4)

(b) S.I. 2008/1216 (N.I.1)

(c) S.R. 1999 No. 7

(2) After Form 18 of Schedule 1, insert new Form 18A as set out in the Schedule to these Rules.

*George Conner  
W A McNally  
Nigel Broderick  
John Rea  
John P B Maxwell*

Dated 16th June 2008

# SCHEDULE

Rule 2(2)

## “Form 18A

### CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008 (Articles 13 and 14)

#### **Warrant of Commitment of Child on [indeterminate custodial sentence] [extended custodial sentence]**

of

]

]

] Petty Sessions District of

]

]

Complainant

]

of

] County Court Division of

]

Defendant

]

WHEREAS (insert name) (hereinafter called the Defendant), who appears to the court to be a child, having been born, so far as can be ascertained, on the day of ,\* [having attained the age of 14, but being under the age of 18, and though informed by the court of the right to be tried by a jury, having consented to be dealt with summarily] [being of the age of 10 years, but under the age of 14 years, and the parent or guardian, though informed by the court of the child’s right to be tried by a jury, having consented to the child being dealt with summarily] [and the prosecution having consented to summary trial of the offence] [the Defendant having pleaded guilty was found guilty] by a [magistrates’] [youth] court sitting at (*place*) on (*date*) of the following offences(s):  
(*state shortly particulars of offence(s)*)

which [is] [are] punishable in the case of an adult with imprisonment.

AND the court, having considered all such information as was before it in accordance with Article 15 of the Criminal Justice (Northern Ireland) Order 2008, is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the Defendant of further specified offences.

AN ORDER was made on (*date*) , by a youth court for the said district against the Defendant to the following effect, viz:–

[The court imposes an indeterminate custodial sentence and specifies that the minimum period for the purposes of Article 18 of the Criminal Justice (NI) Order 2008, being such period as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or the combination of the offence and one or more offences associated with it shall be (*specify period of at least 2 years*)]\*

[The court imposes an extended custodial sentence and specifies that the appropriate custodial term shall be *(specify the term, not exceeding the maximum term, as the court considers appropriate, not being a term of less than 12 months)*

The further period (“the extension period”) for which the Defendant is to be subject to a licence, and which is of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the Defendant of further specified offences, shall be *(specify extension period)]\**

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to convey the Defendant to such place as the Secretary of State may direct and there to deliver the said Defendant to the [Manager] [Governor] thereof, together with this warrant, and you, the said [Manager] [Governor] to receive the said defendant into your custody to be detained there for the period of *(insert period of detention)*

\* Delete as appropriate.”

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Magistrates' Courts (Criminal Justice (Children)) Rules (Northern Ireland) 1999 [S.R.1999 No.7] ("the principal Rules") in consequence of the Criminal Justice (Northern Ireland) Order 2008 ('the 2008 Order').

- Rule 2(1) amends Form 3 of the principal Rules (Warrant for arrest of child) to show that the execution of the warrant may be proved in County Court Divisions other than the one in which it was issued, in accordance with Article 92 of the 2008 Order.
- Rule 2(2) inserts a new form of warrant to be used where a court passes an indeterminate or extended custodial sentence on a child under Article 13 or 14 of the 2008 Order.

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