
STATUTORY INSTRUMENTS

1976 No. 226

Treatment of Offenders (Northern Ireland) Order 1976

PART II

DISCHARGE FROM PRISON, ETC.

Ascertainment of person's liability to be dealt with under Article 3

5.—(1) Where—

- (a) after the discharge of any such person as is mentioned in Article 3(1)(a), he has been convicted as^{F1} so mentioned of an offence mentioned in Article 3(1)(b); and]
- (b) it appears on complaint to a justice of the peace^{F2}..., that he has not been ordered under Article 3 to be returned to prison or a young offenders centre and that there is no such record as is mentioned in Article 3(7),

the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the complaint is in writing and substantiated on oath, issue a warrant for his arrest.

(2) A summons or warrant issued under this Article shall, subject to paragraph (3), direct the offender to appear or to be brought before

- ^{F1}(a) where the offender was convicted as mentioned in paragraph (1)(a) on indictment, the Crown Court; and
- (b) where the offender was so convicted by a magistrates' court, a magistrates' court^{F3}....]

^{F1}(2A) Where a person who has been convicted as mentioned in paragraph (1)(a) appears or is brought before a court under this Article, Articles 3 and 4 shall apply as if that person had just been so convicted by or before that court]

(3) If—

- (a) a warrant is issued under paragraph (1) requiring an offender to be brought before [^{F4} the Crown Court]; and
- (b) the offender cannot forthwith be brought before [^{F4} the Crown Court] because it is not being held,

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court having jurisdiction in the place where he is arrested.

(4) Where an offender is brought before a magistrates' court in pursuance of paragraph (3), that court shall commit him in custody or on bail to [^{F4} the Crown Court].

F1 1989 NI 15

F2 Words in art. 5(1)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 71(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F3 Words in art. 5(2)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 71(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Changes to legislation: *Treatment of Offenders (Northern Ireland) Order 1976, Section 5 is up to date with all changes known to be in force on or before 08 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

F4 1978 c. 23

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Changes and effects yet to be applied to :

- Instrument am (prosp) by S.I. 1994/2795 (N.I.) art.3(5)Sch.1
- Instrument am (prosp) by S.I. 1994/2795 (N.I.) art.26(1)Sch.2 para 6
- arts.3-6 extended by 1997 c. 43 s.41Sch.1 Pt.II para.12(2)(a)(5)
- arts.3-6 extended by 1997 c. 43 s.41Sch.1 Pt.II para.13(2)(a)(5)
- arts.3-6 extended by 1997 c. 43 s.41Sch.1 Pt.II para.12(2)(a)(5)
- arts.3-6 extended by 1997 c. 43 s.41Sch.1 Pt.II para.13(2)(a)(5)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art.7(10) rev in pt (prosp) by S.I. 1994/2795 (N.I.) art.26(2)Sch.3