

**1980 No. 1084 (N.I. 10)**

**NORTHERN IRELAND**

**The Treatment of Offenders (Northern Ireland) Order 1980**

*Laid before Parliament in draft*

*Made*

*28th July 1980*

*Coming into operation on a day to be appointed under Article 1*

**ARRANGEMENT OF ORDER**

**Article**

1. Title and commencement.
2. Interpretation.
3. Abolition of Borstal training.
4. Transitional provisions, amendments and repeals.

**SCHEDULES:**

- Schedule 1—Transitional provisions.
- Schedule 2—Minor and consequential amendments.
- Schedule 3—Enactments repealed.

At the Court at Buckingham Palace, the 28th day of July 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title and commencement*

1. This Order may be cited as the Treatment of Offenders (Northern Ireland) Order 1980 and shall come into operation on such day as the Secretary of State may by order appoint.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

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(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(2) In this Order—

“the appointed day” means the day appointed under Article 1;

“young offenders centre” has the meaning assigned to it by section 2 (a) of the Treatment of Offenders Act (Northern Ireland) 1968 (a).

*Abolition of Borstal training*

3. No person shall, after the appointed day, be sentenced to Borstal training.

*Transitional provisions, amendments and repeals*

4.—(1) The transitional provisions set out in Schedule 1 shall have effect.

(2) The enactments set out in Schedule 2 shall have effect subject to the minor and consequential amendments specified in that Schedule.

(3) The enactments set out in Schedule 3 are hereby repealed to the extent specified in column 3 of that Schedule.

*N. E. Leigh,*

Clerk of the Privy Council.

## SCHEDULES

Article 4 (1).

### SCHEDULE 1

#### TRANSITIONAL PROVISIONS

1. A Borstal institution provided and maintained by the Secretary of State immediately before the appointed day shall on that day become a young offenders centre.

2. Notwithstanding section 72 (3) of the Children and Young Persons Act (Northern Ireland) 1968 (b), a person who immediately before the appointed day is serving a sentence of training in a Borstal institution shall as from that day be deemed to be serving a sentence of detention for a term of two years in a young offenders centre passed on the date on which he was sentenced to Borstal training.

3. Where a person to whom paragraph 2 applies has immediately before the appointed day been detained in a Borstal institution for less than twelve months, the Secretary of State may at any time after the appointed day discharge that person from the young offenders centre and on such discharge that person's sentence shall expire; and for the purposes of Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976 (c) such person shall be deemed to have been discharged in pursuance of prison rules.

4. A person who immediately before the appointed day is under supervision after his release from a Borstal institution shall on that day cease to be under supervision.

5. A person who immediately before the appointed day is unlawfully at large from a Borstal institution shall as from that day be treated as if he were unlawfully at large from a young offenders centre.

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(a) 1968 c. 29 (N.I.). (b) 1968 c. 34 (N.I.). (c) S.I. 1976/226 (N.I. 4).

## SCHEDULE 2

Article 4 (2).

## MINOR AND CONSEQUENTIAL AMENDMENTS

*The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)*

1. In section 33 (1) for the definition of "the Prison Act" substitute the following definition—

" "the Prison Act" means the Prison Act (Northern Ireland) 1953;"

*The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

2. At the end of section 87 add the following subsection—

"(3) Where a person liable to be detained in a training school under a training school or other order is ordered to be detained in a young offenders centre, the training school or other order shall cease to have effect."

3. In section 140 (2) (b) for the words "sent to a Borstal institution" substitute the words "detained in a young offenders centre for a term not exceeding two years or the unexpired part of the period for which he was liable to be detained in the training school, whichever is the lesser".

4. In paragraph 11 (1) (b) of Schedule 5 for the words "sent to a Borstal institution" substitute the words "detained in a young offenders centre for a term not exceeding two years or the unexpired part of the period for which he was liable to be detained in the training school, whichever is the lesser".

## SCHEDULE 3

Article 4 (3).

## ENACTMENTS REPEALED

Chapter or Number	Short Title	Extent of Repeal
8 Edw. 7 c. 59.	The Prevention of Crime Act 1908.	The whole Act.
1953 c. 14 (N.I.).	The Criminal Justice Act (Northern Ireland) 1953.	Section 7. In section 10 (1) the words "or Borstal training". In section 27 (1) the definitions of "a child or a young person", "Minister", "Ministry" and "prison rules". Section 27 (4) and (5).
1953 c. 18 (N.I.).	The Prison Act (Northern Ireland) 1953.	Section 10 (5). Section 11. In sections 13 (1) (c), 18 (1), 25, 30 (a) and 38 (2) the words "or Borstal training". In section 13 (4) paragraph (c) and in paragraph (e) the word "other". Section 17. Section 21. Section 44. In section 47 (1), in the definition of "prison" the words "or Borstal institution". Schedule 2. Schedule 4.

Chapter or Number	Short Title	Extent of Repeal
1956 c. 4 (N.I.).	The Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956.	Section 4.
1968 c. 29 (N.I.).	The Treatment of Offenders Act (Northern Ireland) 1968.	<p>Section 1 (4) (a).</p> <p>In section 2 the words "11, 17, 21", "44" and "and Schedule 2 to".</p> <p>In section 5 (1) (a) the words from "and the court" to "imposed".</p> <p>In section 7 subsections (1) (a), (2) and (4).</p> <p>Section 8 (2) (a).</p> <p>In section 8 (2) (b) the words "section 13 or".</p> <p>Section 9 (2).</p> <p>Sections 10 to 13.</p> <p>In section 14 subsections (3) and (5).</p> <p>Section 18 (4).</p> <p>Section 28 (1).</p> <p>Section 35 (2) and (4).</p> <p>In Schedule 3 Parts I and II and Part III so far as it amends section 7 of the Criminal Justice Act (Northern Ireland) 1953 and section 17 of the Prison Act (Northern Ireland) 1953.</p>
1968 c. 34 (N.I.).	The Children and Young Persons Act (Northern Ireland) 1968.	<p>SCHEDULE 4.</p> <p>Section 78 (1) (a) and (2) (a).</p> <p>In section 140 (2) paragraph (ii) and the word "and" immediately before it.</p> <p>In section 177 (1) (b) the words "a Borstal institution or to prison or".</p> <p>In Schedule 5 paragraph 11 (1) (c), paragraph 11 (3), in paragraph 11 (4) the words from "and while" to the end, paragraph 11 (10) and in paragraph 12 (2) the words "or (c)" and "a Borstal institution or to prison or".</p>
S.I. 1976/226 (N.I. 4).	The Treatment of Offenders (Northern Ireland) Order 1976.	<p>In Article 15 (1) the words "Borstal training".</p> <p>In Schedule 1, paragraph 5.</p> <p>In Schedule 2, paragraph 1 and 4.</p>

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EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides for the abolition of Borstal training and makes transitional arrangements for the detention in young offenders centres of persons presently undergoing Borstal training.

