
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

^{F1}PART II

TREATMENT OF OFFENDERS

Discharge

Absolute and conditional discharge

4.—(1) Where a court by or before which a person is convicted of an offence^{F1} (not being an offence for which the sentence is fixed by law or falls to be imposed under^{F2} Article 70(2) of the Firearms (Northern Ireland) Order^{F2} 2004 ^{F3}or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006^{F4} or Article 13 ^{F5}, 13A^{F6}, 14 or 15A of the Criminal Justice (Northern Ireland) Order 2008^{F7} or section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015^{F7}) is of the opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment, the court may make an order either—

- (a) discharging him absolutely; or
- (b) if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding 3 years from the date of the order, as may be specified in the order.

(2) Before making an order for conditional discharge the court shall explain to the offender in ordinary language that if he commits another offence during the period of conditional discharge he will be liable to be sentenced for the original offence.

(3) Where, under this Part, a person conditionally discharged under this Article is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

(4) The Secretary of State may by order direct that paragraph (1) shall be amended by substituting for the maximum period for the time being specified in sub-paragraph (b) of that paragraph, such other period as may be specified in the order.

(5) Nothing in paragraph (1) shall be construed as preventing a court which discharges an offender absolutely or conditionally in respect of any offence from making an order for costs against the offender or from making an order under Article 11 or 14 of the Criminal Justice (Northern Ireland) Order 1994 (power to deprive offenders of property used, or intended for use, for purposes of crime and compensation orders) or under Article 8 of the Criminal Justice (Northern Ireland) Order 1980 (driving disqualification where vehicle used for purposes of crime) or under section 27 of the Theft Act (Northern Ireland) 1969 (restitution orders) ^{F8}or a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.]

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 1996, Section 4 is up to date with all changes known to be in force on or before 26 April 2024. 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*

- F1** 2003 c. 44
- F2** 2004 NI 3
- F3** Words in art. 4(1) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 51, 66(2), **Sch. 2 para. 2(11)(b)(i)**; S.I. 2007/858, **art. 2(i)(j)**
- F4** Words in art. 4(1) inserted (15.5.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(1), **Sch. 5 para. 7(2)**; S.R. 2008/217, **art. 2**, Sch. (subject to saving in art. 3(1)(2)(b)(ii))
- F5** Word in art. 4(1) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), **Sch. 13 para. 64(3)**
- F6** Words in art. 4(1) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 69(3)**
- F7** Words in art. 4(1) inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), **ss. 7(7)(b)(i)**, 28(2)
- F8** Words in art. 4(5) inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 4 para. 11**

Modifications etc. (not altering text)

- C1** Art. 4 excluded (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 36(5)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**
- C2** Art. 4 excluded (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 36(6)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**
- C3** Art. 4 excluded (1.1.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), **ss. 41(9)**, 111(3) (with Sch. 6 para. 3); S.R. 2011/370, art. 3(d)
- C4** Art. 4 excluded (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), **ss. 32(6)(c)**, 63(2); S.I. 2016/553, reg. 2

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

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):

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\) \(This amendment not applied to \[legislation.gov.uk\]\(#\). It is thought that the correct affected document should be S.I. 1998/1504 \(N.I. 9\), art. 44A\(4\). The correction will be made as soon as we get the approved amended document from the relevant office\)](#)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)