

STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

^{F1}PART II

TREATMENT OF OFFENDERS

Custodial sentences

Restriction on imposing sentences of imprisonment or detention on persons not legally represented

18. ^{F1}

F1 Art. 18 repealed (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Restrictions on imposing custodial sentences

19. ^{F2}

F2 Art. 19 repealed (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Length of custodial sentences

20. ^{F3}

F3 Art. 20 repealed (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Procedural requirements for custodial sentences

21. ^{F4}

F4 Art. 21 repealed (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Changes to legislation: The Criminal Justice (Northern Ireland) Order 1996, Cross Heading: Custodial sentences is up to date with all changes known to be in force on or before 22 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

Disclosure of pre-sentence reports

21A. ^{F5}

F5 Art. 21A repealed (1.4.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Additional requirements in the case of mentally disordered offenders

22. ^{F6}

F6 Art. 22 repealed (1.4.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Suspended sentences of imprisonment or orders for detention

23. In section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences of imprisonment or orders for detention in a young offenders centre)—

- (a) in subsections (1) and (1A) at the beginning there shall be inserted “Subject to subsection (1C)”;
- (b) after subsection (1B) there shall be inserted—
 - “(1C) A court shall not deal with an offender by means of a suspended sentence or order for detention unless it is of the opinion—
 - (a) that the case is one in which a sentence of imprisonment or order for detention in a young offenders centre would have been appropriate even without the power to suspend the sentence or order; and
 - (b) that the exercise of that power can be justified by the exceptional circumstances of the case.
 - (1D) A court which passes a suspended sentence or makes an order for detention on any person for an offence shall consider whether the circumstances of the case are such as to warrant in addition the imposition of a fine or the making of a compensation order.” .

Custody probation orders

24. ^{F7}

F7 Art. 24 repealed (1.4.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Supplementary provisions as to custody probation orders

25. ^{F8}

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F8 Art. 25 repealed (1.4.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(2), **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 paras. 17, 19(a) (subject to Sch. 2 para. 1(1)(2)(c)(i))

Changes to legislation:

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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\(3\)](#)