
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

^{F1}PART II

TREATMENT OF OFFENDERS

Probation

Probation orders

10^{F1}.—(1) Where a court by or before which a person is convicted of an offence [^{F2} (not being an offence for which the sentence is fixed by law or falls to be imposed under [^{F3} Article 70(2)] of the Firearms (Northern Ireland) Order [^{F3} 2004][^{F4} or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006][^{F5} or Article 13 [^{F6}, 13A][^{F7}, 14 or 15A] of the Criminal Justice (Northern Ireland) Order 2008][^{F8} or section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015)] is of the opinion that the supervision of the offender by a probation officer is desirable in the interests of—

- (a) securing the rehabilitation of the offender; or
- (b) protecting the public from harm from him or preventing the commission by him of further offences,

the court may make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period specified in the order of not less than 6 months nor more than 3 years.

^{F9}(2)

(3) Before making a probation order, the court shall—

- (a) state in open court that it is of the opinion that Article 8(1) applies and why it is of that opinion; and
- (b) explain to the offender in ordinary language—
 - (i) why it is making a probation order;
 - (ii) the effect of the order (including any additional requirements proposed to be included in the order in accordance with Article 11);
 - (iii) the consequences which may follow under Schedule 2 if he fails to comply with any of the requirements of the order; and
 - (iv) that the court has under Schedule 2 power to review the order on the application either of the offender or of the supervising officer,

and if the offender has attained the age of 14 years the court shall not make the order unless he expresses his willingness to comply with its requirements.

(4) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy—

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 1996, Cross Heading: Probation is up to date with all changes known to be in force on or before 25 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*

- (a) to the offender;
- (b) to the probation officer responsible for the offender's supervision; and
- (c) to the person in charge of any institution in which the offender is required by the order to reside, present himself or attend.

^{F10}(5)

(6) An offender in respect of whom a probation order is made shall keep in touch with the probation officer responsible for his supervision in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.

(7) A magistrates' court shall cause a reason stated by it under paragraph (3) to be entered in the Order Book.

(8) The Secretary of State may by order direct that paragraph (1) shall be amended by substituting, for the minimum or maximum period specified in that paragraph, such period as may be specified in the order.

(9) An order under paragraph (8) may make in paragraph 13(2)(a) of Schedule 2 any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.

(10) Nothing in paragraph (1) shall be construed as preventing a court which makes a probation order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender or from making in respect of the offence 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).

F1	mod. by 2000 c. 43
F2	2003 c. 44
F3	2004 NI 3
F4	Words in art. 10(1) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 51, 66(2), Sch. 2 para. 2(11)(b)(ii) ; S.I. 2007/858, art. 2(i)(j)
F5	Words in art. 10(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(3) ; S.R. 2008/217, art. 2 , Sch. (subject to saving in art. 3(1)(2)(b)(ii))
F6	Word in art. 10(1) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2) (v), Sch. 13 para. 64(4)
F7	Words in art. 10(1) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 69(4)
F8	Words in art. 10(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)(ii) , 28(2)
F9	Art. 10(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(1), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
F10	Art. 10(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(1), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Additional requirements which may be included in such orders

11.—(1) Subject to paragraph (2), a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers desirable in the interests of—

- (a) securing the rehabilitation of the offender; or

(b) protecting the public from harm from him or preventing the commission by him of further offences.

(2) Without prejudice to the power of the court under Article 11 or 14 of the Criminal Justice (Northern Ireland) Order 1994 to make a compensation order, the payment of sums by way of damages for injury or compensation for loss shall not be included among the additional requirements of a probation order.

(3) Without prejudice to the generality of paragraph (1), the additional requirements which may be included in a probation order shall include the requirements which are authorised by Schedule 1.

Substitution of conditional discharge for probation

12.—(1) Where on an application made by an offender placed on probation or a probation officer it appears to the court having power to discharge a probation order that the order is no longer appropriate in the case of the offender, the court may make, in substitution for the probation order, an order discharging him in respect of the original offence subject to the condition that he commits no offence between the making of the order under this Article and the expiration of the probation period.

(2) No application may be made under paragraph (1) while an appeal against the probation order is pending.

(3) A person in respect of whom an order is made under this Article shall so long as the said condition continues in force be treated in all respects and in particular for the purposes of paragraph 7 of Schedule 2 as if the original probation order made in his case had been an order for conditional discharge made by the court which made that original order and as if the period of conditional discharge were the same as the probation period.

(4) On the making of an order under this Article the appropriate officer of the court shall forthwith give copies of the order to the probation officer, who shall give a copy to the person in respect of whom the order is made and a copy to the person in charge of any institution in which that person was required by the probation order to reside.

Changes to legislation:

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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\(3\)](#)