

STATUTORY INSTRUMENTS

1998 No. 1504

The Criminal Justice (Children) (Northern Ireland) Order 1998

PART IV

CRIMINAL PROCEEDINGS

Remand in custody

13.—^{F1}(1) Where the court decides not to release a child as mentioned in Article 12(1), it shall give reasons for doing so in open court and—

- (a) if the child has not attained the age of 17, shall (subject to paragraph (1A)) make an order committing him to a juvenile justice centre; and
- (b) if the child has attained the age of 17, shall (subject to ^{F2}paragraphs (1B) and (1BB)) make an order committing him to a young offenders centre.)]

^{F3}(1A) In the case of a child who has attained the age of 15 but has not attained the age of 17 the court shall make an order committing him to a young offenders centre (and not an order committing him to a juvenile justice centre) if it considers that he is likely to injure himself or another person.

(1B) In the case of a child—

- (a) who has attained the age of 17 but who, at the time of the court's first decision in respect of the offence in question not to release him on bail, has not attained the age of 17 years and six months; and
- (b) who has not had a custodial sentence imposed on him within the last two years,

the court shall make an order committing him to a juvenile justice centre (and not an order committing him to a young offenders centre) if, after considering a report made by a probation officer, it considers that it is in his best interests to make such an order.

[
^{F4}(1BB) In the case of a child who has attained the age of 17, the court shall make an order committing the child to a juvenile justice centre (and not to a young offenders centre) if the court has been notified by the Secretary of State that no suitable accommodation for that child is available in a young offenders centre.]

(1C) An order under this Article shall commit the child for the period for which he is remanded or until he is brought back before the court.]

(2) Where a court remands a child for a further period such that the total period for which he is remanded in custody will exceed three months, the court shall give reasons for doing so in open court.

F1 2005 NI 15

F2 Words in art. 13(1)(b) substituted (8.6.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(3)(a), **96(2)**

F3 2002 c. 26

F4 [Art. 13\(1BB\)](#) inserted (8.6.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(3)(a), **96(3)**

Changes to legislation: There are currently no known outstanding effects for the *The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 13. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** Art. 13 applied (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **110(11)** (with reg. 110(12))

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 13.