
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

Juvenile justice centre orders

Breach of supervision requirements

41.—(1) Where a juvenile justice centre order has been made and it appears upon a complaint made to a justice of the peace that the offender has failed to comply with any requirements under [^{F1}Article 39(8) or] Article 40(2) or (3), the justice may—

- (a) issue a summons directed to the offender requiring him to appear before a youth court specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender's arrest requiring him to be brought before a youth court specified in the warrant.

(2) If it is proved to the satisfaction of the court before which the offender appears or is brought under this Article that he has failed without reasonable excuse to comply with requirements under [^{F2}Article 39(8) or] Article 40(2) or (3), the court may deal with him in respect of the failure in any of the following ways, namely—

- (a) it may impose on him a fine not exceeding—
 - (i) £200 if he is under the age of 14; or
 - (ii) £1,000 in any other case;
- (b) it may order him to be detained for a period not exceeding 30 days—
 - [^{F3}(i) in a juvenile justice centre if he has not attained the age of 17 or falls within paragraph (2A); or
 - (ii) in a young offenders centre in any other case.]

[^{F3}(2A) The offender falls within this paragraph if he—

- (a) has attained the age of 17;
- (b) has not attained the age of 18 and will not attain that age within the next 30 days; and
- (c) has not had a custodial sentence (other than the juvenile justice centre order in question) imposed on him within the last two years,

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

(2B) Where the court imposes a fine on the offender under paragraph (2)(a)—

- (a) if he has not attained the age of 16, it shall order that the fine be paid by the parent or guardian of the child instead of by the child, unless it is satisfied that there is good reason for not so doing; and
- (b) if he has attained that age but has not attained the age of 18, it may so order.

(2C) A fine ordered under paragraph (2B) to be paid by a parent or guardian may be recovered from him by distress, or he may be imprisoned in default of payment, in like manner as if the order had been made on the conviction of the parent or guardian of the offence for which the juvenile justice centre order was made.

(2D) A parent or guardian may appeal to a county court against an order under paragraph (2B).]

(3) Any period of supervision shall not be reduced by any period during which the offender is detained under paragraph (2).

- F1** Words in art. 41(1) inserted (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **36(6)**; S.R. 2009/120, **art. 2(1)**
- F2** Words in art. 41(2) inserted (1.4.2009) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **36(6)**; S.R. 2009/120, **art. 2(1)**
- F3** 2002 c. 26

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 41.