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STATUTORY INSTRUMENTS

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**1998 No. 1504**

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

**PART III**

**ARREST AND DETENTION**

**Child apparently under 14 arrested without warrant for offence other than homicide to be released**

7.—(1) This Article applies where a child apparently under the age of 14 is arrested without warrant for an offence other than homicide.

(2) If the child cannot forthwith be brought before a magistrates' court, the custody officer shall inquire into the case.

(3) Subject to paragraph (5), the child shall be released if the child or his parent or guardian (with or without sureties) enters into a recognizance for such amount as the custody officer considers will secure the attendance of the child at the hearing of the charge.

(4) A recognizance entered into in pursuance of paragraph (3) may be—

- (a) taken before the officer;
- (b) conditioned for the attendance of the parent or guardian at the hearing in addition to the child;
- (c) enforced in the same manner as a recognizance to appear before a court may be enforced under Article 138 of the Magistrates' Courts (Northern Ireland) Order 1981.

(5) Paragraph (3) shall not apply if the custody officer considers that—

- (a) the child was arrested for a [<sup>F1</sup>indictable] offence; or
- (b) for the protection of the public the child should not be released.

**F1** Words in art. 7(5)(a) substituted (1.3.2007) by *Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2))*, arts. 1(2), 15(4), **Sch. 1 para. 34(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 7.