
STATUTORY INSTRUMENTS

1998 No. 1504

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

PART VI

SENTENCING AND OTHER POWERS

[^{F1}Youth conference orders

F1 [2002 c. 26](#)

[^{F2}Youth conference orders

36J.—(1) Where a recommendation is made to a court under Article 33A(5)(b) or (c), the court may make a youth conference order in relation to the offender to whom the recommendation relates.

(2) A youth conference order is an order requiring the offender—

- (a) to comply with the requirements specified in the youth conference plan; or
- (b) to comply with those requirements as varied by the order;

and the order must specify as the date when the offender must begin so to comply either the date specified in the youth conference plan under Article 3C(6) or such other date as the court may, with the consent of the youth conference co-ordinator, determine.

[
^{F3}(2A) Unless revoked, a youth conference order remains in force until the offender has complied with the requirements mentioned in paragraph (2)(a) or (as the case may be) (b).]

(3) A court must not make a youth conference order unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was serious enough to warrant it.

(4) In forming any such opinion the court must take into account all information about the circumstances of the offence, or of the offence and the offence or offences associated with it, (including any aggravating or mitigating factors) which is available to it.

(5) The court must not make a youth conference order unless the offender consents.

(6) The court must not make a youth conference order under paragraph (2)(b) unless it has consulted the youth conference co-ordinator.

(7) If the court does not make a youth conference order under paragraph (2)(a) in a case where it has power to do so, it must give its reasons in open court.

(8) Where the court makes a youth conference order, it may not exercise any other power it has to deal with the offender for the offence.

(9) But if the recommendation to the court was made under Article 33A(5)(c) the court may, if the offender consents, also impose any custodial sentence which the court has power to impose for the offence.]

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Cross Heading: Youth conference orders . (See end of Document for details)

- F2 2002 c. 26
- F3 Art. 36J(2A) inserted (8.6.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(3)(a), 98(2)

[^{F4}Supplementary provisions about youth conference orders

36K.—(1) Before making a youth conference order, the court must state in open court that it is of the opinion that Article 36J(3) applies and why it is of that opinion.

(2) Before making a youth conference order, the court must explain to the offender in ordinary language—

- (a) why it is making the order;
- (b) the effect of the order and of the requirements proposed to be included in it;
- (c) the consequences which may follow under Schedule 1A if he fails to comply with those requirements; and
- (d) that the court has power under that Schedule to review the order on the application either of the offender or of the responsible officer.

(3) In this Order “responsible officer”, in relation to an offender subject to a youth conference order, means the youth conference co-ordinator, or other person designated by the Secretary of State, who is specified in the order.

(4) If the court is a magistrates' court, it must cause any reasons given under Article 36J(7) or paragraph (1) or (2)(a) to be entered in the Order Book.

^{F5}(5)

(6) The court by which a youth conference order is made must^{F6} as soon as is practicable] give copies of the order to—

- (a) the offender subject to the order;
- (b) his parent or guardian; and
- (c) the responsible officer.

^{F7}(7)

(8) Schedule 1A (which makes provision for dealing with failures to comply with youth conference orders and for their revocation and amendment) shall have effect.]

- F4 2002 c. 26
- F5 Art. 36K(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(8)(a), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F6 2005 NI 15
- F7 Art. 36K(7) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(8)(b), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

[^{F8}Monitoring compliance with youth conference orders

36L.—(1) The responsible officer must monitor compliance by the offender with the youth conference order.

(2) The Secretary of State may make rules regulating the monitoring by the responsible officer of an offender subject to a youth conference order.

(3) Rules under paragraph (2) are subject to [^{F9}negative resolution].

(4) The Secretary of State may pay the expenses incurred by a person who is not a youth conference co-ordinator in performing functions as the responsible officer.]]

F8 2002 c. 26

F9 Words in art. 36L(3) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010](#) (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 19(8)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Cross Heading: Youth conference orders .