

SCHEDULES

[^{F1}SCHEDULE 1A

BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDERS, COMMUNITY RESPONSIBILITY ORDERS AND YOUTH CONFERENCE ORDERS

F1 2002 c. 26

[^{F2}Presence of offender in court, remands etc.

F2 2002 c. 26

8.—(1) Where the responsible officer makes an application to a court under paragraph 2 or 5, he may bring the offender before the court; and, subject to sub-paragraph (8), a court must not make an order under paragraph 3, 4, 5 or 6 unless the offender is present before the court.

(2) The court to which an application under paragraph 2 or 5 is made, or which is considering exercising its powers under paragraph 6, may issue a summons or warrant for the purpose of securing the attendance of the offender before it.

(3) Where the offender has failed to appear in answer to a summons, the court must not issue a warrant under sub-paragraph (2) for his arrest unless it is proved that—

- (a) the summons was duly served on him;
- (b) he is evading service; or
- (c) the summons cannot be served on him.

(4) Where the offender has failed to appear at an adjourned hearing, the court must not issue a warrant under sub-paragraph (2) unless it is satisfied that reasonable steps have been taken to bring to his attention notice of the time and place of the adjourned hearing.

(5) Where the offender is arrested under a warrant issued under sub-paragraph (2) and cannot be brought immediately before the court by which the warrant was issued, the person in whose custody he is—

- (a) may make arrangements for his detention in a place of safety for a period of not more than 72 hours from the time of the arrest (and it is lawful for him to be detained under the arrangements); and
- (b) must within that period bring him before the Crown Court (if the warrant was issued by that court and it is reasonably practicable to bring him before that court within that period) or (otherwise) a youth court.

(6) Where an offender is brought under sub-paragraph (5)(b) before a youth court which is not the court by which the warrant was issued, that youth court may—

- (a) direct that he be immediately released on bail until he can appear before the court by which the warrant was issued; or

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(b) remand him to the place to which it would remand him if making an order under Article 13, or (if he is aged 18 or over) to a remand centre, until he can be brought before that court.

(7) Where an application is made to a court under paragraph 2 or 5, or a court is considering exercising its powers under paragraph 6, the court may remand (or further remand) the offender as specified in sub-paragraph (6)(b) if—

- (a) a warrant has been issued under sub-paragraph (2) for the purpose of securing his attendance before the court; or
- (b) the court considers that remanding (or further remanding) him will enable information to be obtained which is likely to assist the court in deciding whether and, if so, how to exercise its powers.

(8) A court may make an order under paragraph 5 in the absence of the offender if the effect of the order is confined to one or more of the following—

- (a) revoking the relevant order;
- (b) cancelling a requirement of the relevant order;
- (c) reducing the period of any requirement;
- ^{F3}(d)
- (e) substituting a new responsible officer for the one specified in the relevant order.]]

<p>F3 Sch. 1A para. 8(8)(d) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 115(10)(d), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)</p>
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