

## SCHEDULES

### SCHEDULE 5

#### AMENDMENTS

##### *Criminal Justice (Northern Ireland) Order 1996 (NI 24)*

**51.** In Article 2(2) (interpretation)—

- (a) in the definition of “attendance centre order”, for the words from “section” to the end substitute “Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998;”;
- (b) in the definition of “custodial sentence”, in paragraph (b) for sub-paragraphs (ii) and (iii) substitute the following sub-paragraphs—
  - “(ii) a sentence of detention in a young offenders centre or a sentence of detention during the Secretary of State’s pleasure under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998;
  - (iii) an order under Article 39 of that Order sending the offender to a juvenile justice centre;”;
- (c) in the definition of “sexual offence”, for the words from “section” to the end substitute “Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

**52.** In Article 7, for paragraph (1) (supplementary provisions as to probation and discharge) substitute the following paragraph—

“(1) Without prejudice to Article 36(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (which enables a court to order the parent or guardian of a child found guilty of an offence to give security for his good behaviour), a court may, on the making of an order for conditional discharge or a probation order, if it thinks it expedient for the purpose of the reformation of the offender, require the offender, or—

- (a) if the offender is under the age of 16 years, his parent or guardian; or
- (b) if the offender has attained the age of 14 years but is under the age of 17 years, the offender or his parent or guardian,

to give security for the good behaviour of the offender.”.

**53.** In Article 18(1) (restriction on imposing sentences of imprisonment or detention on persons not legally represented), for the words from “section” to “training school order” substitute “Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 on, or make a juvenile justice centre order”.

**54.** In Article 29 (fixing of fines)—

- (a) in paragraph (4), after sub-paragraph (b) insert the following sub-paragraph—

“or

- (c) the parent or guardian of an offender who is under the age of 17 years—
  - (i) has failed to comply with an order under Article 30(2A); or
  - (ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances;”;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(b) after paragraph (5) insert the following paragraph—

“(5A) For the purposes of any order under Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 against a parent or guardian of an offender (parent or guardian to pay fine, etc., instead of child)—

- (a) this Article and Article 32 shall have effect (so far as applicable) as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the parent or guardian; but
- (b) for the purposes of any such order made against the appropriate authority (within the meaning of that Order) paragraph (1) shall not apply.”.

**55.** In Article 30 (statements as to offenders' means), after paragraph (2) insert the following paragraph—

“(2A) Before making an order under Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 against a parent or guardian, the court may make a financial circumstances order with respect to him.”.

**56.** At the end of Article 31 (false statements as to financial circumstances) add the following paragraph—

“(3) Where a person who is charged with an offence is under the age of 17 years, this Article shall also apply to his parent or guardian and accordingly this Article shall have effect in relation to the parent or guardian of such a person as if—

- (a) any reference to his financial circumstances were a reference to the financial circumstances of his parent or guardian;
- (b) the reference in paragraph (1) to a person who is charged with an offence were a reference to his parent or guardian;
- (c) the reference in paragraph (2) to his being convicted were a reference to his being convicted and the court's deciding to make an order under Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 against his parent or guardian.”.

**57.** In Article 34(1) (reports of probation officers) for “juvenile” substitute “youth”.

**58.** In Schedule 2—

- (a) in paragraph 3(1)(c) (powers of court of summary jurisdiction), for the words from “section”, where it first occurs to “section” where it occurs for the second time, substitute “Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies, it may make an order under that Article”;
- (b) in paragraph 4(1)(c) (powers of Crown Court), for the words from “section”, where it first occurs to “section” where it occurs for the second time, substitute “Article 37 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies, it may make an order under that Article”;
- (c) in paragraph 11(3) (supplemental provisions)—
  - (i) for the words from “training school” to “1968” substitute “juvenile justice centre under the Criminal Justice (Children) (Northern Ireland) Order 1998”;
  - (ii) for “managers of the school” substitute “managers of the juvenile justice centre”;
- (d) in paragraph 18(3) (supplemental provision)—
  - (i) for the words from “training school” to “1968” substitute “juvenile justice centre under the Criminal Justice (Children) (Northern Ireland) Order 1998”;
  - (ii) for “managers of the school” substitute “managers of the juvenile justice centre”.