

SCHEDULES

SCHEDULE 5

Article 65(1).

AMENDMENTS

Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))

1. In section 47(1A) (interpretation), for paragraphs (c) and (d) substitute—
“or
(c) a juvenile justice centre”.

Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10 (N.I.))

2. In section 2 (costs of prosecution in cases of conviction), after subsection (1) insert the following subsection—
“(1A) The amount of any costs ordered by a magistrates' court under this section to be paid by a person under the age of seventeen shall not exceed the amount of any fine imposed on him.”.

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

3. In section 2 (young offenders centres and remand centres)—
 - (a) in paragraph (a)(ii) for “14” substitute “fifteen”;
 - (b) in paragraph (b)(i) for “fourteen” substitute “fifteen”.
4. In section 5 (detention in a young offenders centre), in subsections (1) and (3), for “section 72(3) of the Children and Young Persons Act (Northern Ireland) 1968” substitute “Article 47 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.
5. In section 9(1) (remand and committal of persons under 21) after “a person” insert “not being less than seventeen but”.

Northern Ireland (Emergency Provisions) Act 1973 (c. 53)

6. In section 1 (punishment for murder)—
 - (a) in subsection (1), for the words from “section 73(1)” to “pleasure” substitute “Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (detention of children at Secretary of State’s pleasure)”;
 - (b) in subsection (3), for “section 73(1)” substitute “Article 45(2)”.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

7. In Part II of Schedule 1 (bodies all members of which are disqualified), at the appropriate place in alphabetical order insert—
“The Juvenile Justice Board”.

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Judicature (Northern Ireland) Act 1978 (c. 23)

8. In Part II of Schedule 5 (minor and consequential amendments), in the entry amending section 136(4) of the Children and Young Persons Act (Northern Ireland) 1968, for “sections 136(4) and” substitute “section”.

Sexual Offences (Northern Ireland) Order 1978 (NI 5)

9. In Article 5(3) (restrictions on evidence at committal proceedings), for the words from “section 79(1)” to “young person” substitute “Article 17(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (which provides for the summary trial in certain cases of a child)”.

Protection of Children (Northern Ireland) Order 1978 (NI 17)

10. In Article 9(2) (amendments), for the words from the beginning to “174)” substitute “References in the Children and Young Persons Act (Northern Ireland) 1968 (except in section 174) and the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)

11. In Article 6 (rehabilitation periods for particular sentences)—

- (a) in paragraph (1)(d), for the words from “section 73” to “(young offenders)” substitute “Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (children”;
- (b) in paragraph (2), in Table B, for the words from “section 73” to “1968” substitute “Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998” and for “that section 73” substitute “that Article 45”;
- (c) in paragraph (6), for sub-paragraphs (b) and (c) substitute the following sub-paragraphs—
 - “(b) a juvenile justice centre order under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998;
 - (c) an attendance centre order under Article 37 of that Order of 1998.”;
- (d) in paragraph (9)(c), for the words from “section 73” to “1968” substitute “Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Perjury (Northern Ireland) Order 1979 (NI 19)

12. In Article 18(2) (savings), for the words from “section” to “1968” substitute “Article 20 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

13. In section 9(3)(a) (appeal against sentence), for the words from “section 76” to the end substitute “Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)

14. In Article 34 (free legal aid for children and young persons), for the words from “or young person” in the first place where they occur to “1968” substitute “within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

15. In Article 2(3) (interpretation)—
- (a) for the definition of “children or young persons” substitute the following definition—
““child” has the same meaning as in Article 2(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”;
 - (b) in the definition of “summary offence”, for the words from “or young person” to “1968” substitute “, under Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.
16. In Article 24(1) (plea of guilty), for “juvenile” substitute “youth”.
17. In Article 28(4) (power of court of summary jurisdiction to authorise taking deposition of person sick or unable to attend), for the words from “sections 61” to the end substitute “Articles 25 and 26 of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.
18. In Article 30(1) (preliminary investigation of indictable offences) for the words from “section” to “1968” substitute “Articles 28 and 29 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.
19. In Article 47(6) (remand), for sub-paragraph (b) substitute the following sub-paragraph—
“(b) a juvenile justice centre order within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.
20. In Article 127(8) (power to bind over) for the words from “section 76(2)” to “1968” substitute “Article 36(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (NI 13)

21. In Article 10(3) (exemptions from liability for conspiracy), for the words from “section” to “1968” substitute “Article 3 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Repatriation of Prisoners Act 1984 (c. 47)

22. In section 2(4)(b)(iii) (warrant for transfer out of the United Kingdom)—
- (a) for the words from “section 73” to “1968” substitute “Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998”;
 - (b) for “young persons” substitute “children”.

Child Abduction (Northern Ireland) Order 1985 (NI 17)

23. In Article 3(7) (offence of abduction of child by parent, etc.), for “training school” substitute “juvenile justice centre”.
24. In the Schedule (modifications of Article 3 for children in certain cases), in paragraph 4—
- (a) in sub-paragraph (1) for “training school” substitute “juvenile justice centre”;
 - (b) in sub-paragraph (2)(a) for “training school” substitute “juvenile justice centre”;
 - (c) for sub-paragraph (3) substitute—
“(3) In this paragraph, “juvenile justice centre order” has the same meaning as in Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.

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Mental Health (Northern Ireland) Order 1986 (NI 4)

25. In Article 44(8) (power of courts to order hospital admission or guardianship), for the words from “section 74(1)(a)” to the end substitute “Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 sending a child under the age of 17 to a juvenile justice centre.”.

26. In Article 50A(7) (powers to deal with persons not guilty by reason of insanity or unfit to be tried, etc.)—

(a) for sub-paragraph (d) substitute—

“(d) to a juvenile justice centre.”;

(b) for “remand home” substitute “juvenile justice centre”.

27. In Article 53(5)(a) (removal to hospital of persons serving sentences of imprisonment), for the words from “section 74(1)(a)” to “remand home” substitute “Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 sending a child to a juvenile justice centre”.

28. In Article 56 (further provisions as to prisoners under sentence)—

(a) in paragraph (1)—

(i) for “remand home or training school” in both places where they occur substitute “or juvenile justice centre”;

(ii) in sub-paragraph (b), for “training school” substitute “juvenile justice centre”;

(b) in paragraph (3), for “remand home or training school” substitute “or juvenile justice centre”.

29. In Article 61 (interpretation)—

(a) for paragraph (1) substitute the following paragraphs—

“(1) In this Part the following words and expressions have the same meaning as in the Criminal Justice (Children) (Northern Ireland) Order 1998, namely—

(a) child;

(b) guardian;

(c) juvenile justice centre.

(1A) In this Part “place of safety” in relation to a child means any juvenile justice centre, any police station, any hospital or surgery, or any other suitable place, the occupier of which is willing temporarily to receive a child.”;

(b) at the end of paragraph (8) add “and Article 62 of the Criminal Justice (Children) (Northern Ireland) Order 1998 shall apply for the purposes of this Part as it applies for the purposes of that Order.”.

Adoption (Northern Ireland) Order 1987 (NI 22)

30. In Article 16(5) (parental agreement), for sub-paragraph (a) substitute the following sub-paragraph—

“(a) Article 53 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (which relates to parental responsibility for children ordered to be sent to juvenile justice centres);”.

Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)

31. In Article 13(3) (abolition of requirement of corroboration for unsworn evidence of children), for the words from “Article” to “1995” substitute “Article 20 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

32. In Article 2 (interpretation), for paragraph (5) substitute the following paragraph—

“(5) In this Order “custodial establishment” includes a prison, a young offenders centre, a juvenile justice centre and a remand centre.”.

33. In Article 19(1)(ca) (entry for purpose of arrest), for the words from “training school” to “1968” substitute “juvenile justice centre or in any other place in pursuance of Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

34. In Article 39 (duties of custody officer after charge), for paragraph (8) substitute the following paragraph—

“(8) In paragraph (6) “place of safety” means any juvenile justice centre, any hospital or surgery, or any other suitable place, the occupier of which is willing temporarily to receive the arrested juvenile.”.

35. In Article 52 (children), for the words from “section” to the end substitute “Articles 7 and 8 of the Criminal Justice (Children) (Northern Ireland) Order 1998 accordingly apply”.

36. In Article 70(1) (interpretation) in the definition of “sexual offence” for the words from “section 58(5)” to the end substitute “Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998.”.

37. In Article 81 (evidence through television links), in paragraphs (1A)(b) and (7) for “juvenile” substitute “magistrates”.

38. In Article 81A(1)(c) (video recordings of testimony from child witnesses), for “juvenile” substitute “magistrates”.

Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

39. In section 15(7) (provisions supplementary to power of arrest), for paragraph (c) substitute the following paragraph—

“(c) Article 8(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

40. In Schedule 9 (exclusions from entitlement to child benefit) in paragraph 1(1)—

(a) in paragraph (b)—

(i) for sub-paragraphs (i) and (ii) substitute “the Criminal Justice (Children) (Northern Ireland) Order 1998”;

(ii) for the words from “training school” to “licence” substitute “juvenile justice centre, and is not out under supervision”;

(b) in paragraph (c), for “section 73 of that Act of 1968” substitute “Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998”;

(c) in paragraph (d), for “Act of 1968” substitute “Order of 1998”.

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Criminal Justice (Northern Ireland) Order 1994 (NI 15)

41. In Article 14 (compensation orders against convicted persons)—
- (a) after paragraph (9) insert the following paragraph—

“(9A) For the purposes of any order under Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 against the parent or guardian of a child—

 - (a) paragraphs (9)(a) and (10)(b) shall have effect (so far as applicable) as if any reference to the means of the person against whom the compensation order is made were a reference to the means of the parent or guardian; but
 - (b) for the purposes of any such order made against an authority (within the meaning of that Order) paragraphs (9) and (10) shall not apply.”;
 - (b) in paragraph (11), after “£5,000” insert “or, if the offender is under the age of 17, £1,000”.

Children (Northern Ireland) Order 1995 (NI 2)

42. In Article 2(9)(b) (interpretation), for “or section 74 of the Children and Young Persons Act (Northern Ireland) 1968” substitute “or with a juvenile justice centre order”.
43. In Article 70(7) (refuges for children at risk), for sub-paragraph (b) substitute the following sub-paragraph—
- “(b) Article 54(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (escapes from juvenile justice centres);”.
44. In Articles 74(2)(e) and 91(2)(e) (definitions), for “training school” substitute “juvenile justice centre”.
45. In Article 107(5) (privately fostered children further defined), for sub-paragraphs (a) and (b) substitute “he is living with any person in compliance with a juvenile justice centre order”.
46. In Schedule 4 (education supervision orders), in paragraph 4—
- (a) in sub-paragraph (1)(b), for the words from “an order” to “guilt,” substitute “a juvenile justice centre order”;
 - (b) in sub-paragraph (2), after “failing to comply with” insert “a requirement of or”.

Northern Ireland (Emergency Provisions) Act 1996 (c. 22)

47. For section 14 (treatment of young persons convicted of scheduled offences) substitute the following section—

“14 Treatment of children convicted of scheduled offences.

14. Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (under which a court may sentence a child convicted on indictment of an offence punishable in the case of an adult with imprisonment for fourteen years or more to detention for a period specified in the sentence) shall have effect in relation to a child convicted of a scheduled offence committed while this section is in force with the substitution of the word “five” for “14”.

48. In section 16(3) (conviction of scheduled offence during period of remission), for the words from “section 73(1)” to “1968” substitute “Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Juries (Northern Ireland) Order 1996 (NI 6)

49. In Schedule 2 (persons ineligible for jury service) for paragraph (b) of the entry relating to governors, chaplains and other officers of, and members of boards of visitors or visiting committees for various establishments substitute the following—

- “(b) a juvenile justice centre or attendance centre within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998; or”.

Proceeds of Crime (Northern Ireland) Order 1996 (NI 9)

50. In Article 13(4) (application of procedure for enforcing fines), for the words from “section 76” to “offenders)” substitute “Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (parent or guardian to pay fine instead of child)”.

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—

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- (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;”;
- (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)—

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- (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”.