

SCHEDULES

SCHEDULE 1

Article 2(2).

DEFINITIONS OF “SEXUAL OFFENCE” AND “VIOLENT OFFENCE”

1. In this Order “sexual offence” means the commonlawoffence of rape or an offence under any of the following provisions—

- (a) sections 52 to 55, 61 and 62 of the Offences Against the Person Act 1861;
- (b) sections 2 to 8, 11 and 13 of the Criminal Law Amendment Act 1885;
- (c) section 1 of the Vagrancy Act 1898;
- (d) sections 1 and 2 of the Punishment of Incest Act 1908;
- (e) section 7(4) of the Criminal Law Amendment Act 1912;
- (f) section 2 of the Attempted Rape, etc. Act (Northern Ireland) 1960;
- (g) sections 21 and 22 of the Children and Young Persons Act (Northern Ireland) 1968;
- (h) Article 3 of the Protection of Children (Northern Ireland) Order 1978;
- (i) Article 9 of the Criminal Justice (Northern Ireland) Order 1980;
- (j) Articles 7 and 8 of the Homosexual Offences (Northern Ireland) Order 1982;
- (k) Articles 122 and 123 of the Mental Health (Northern Ireland) Order 1986.

2. In this Order “violent offence” means an offence which leads or is intended or likely to lead to a person’s death or to physical injury to a person, and includes an offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 or an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

SCHEDULE 2

Article 51(3).

JUVENILE JUSTICE CENTRES

1.—(1) A juvenile justice centre order or any other order under which a person is to be detained in a juvenile justice centre shall be authority for his detention in any juvenile justice centre and the juvenile justice centre in which that person is to be detained at any time shall be determined by the Secretary of State.

(2) Sub-paragraph (1) applies to an order under Article 13 but sub-paragraph

(3) does not apply to a person detained under an order under that Article.

(3) The Secretary of State may at any time order a person detained by the managers of a juvenile justice centre to be discharged.

(4) Where a person detained in a juvenile justice centre is transferred to another centre, he shall be taken to his new centre by and at the expense of the managers of the first-mentioned centre.

2. A minister of the religious persuasion to which a person in a juvenile justice centre belongs may visit him at the centre for the purpose of affording him religious assistance and instruction.

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3. If it appears to the managers of a juvenile justice centre—
- (a) that a person who has been ordered to be sent to their centre requires medical attention before he can properly be received into the centre; or
 - (b) that a person detained in the centre requires such attention,

they may make arrangements for him to be received into and detained in any hospital or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Order be deemed to be detained in the juvenile justice centre.

4. At any time during the period of a person's detention in a juvenile justice centre the managers of the centre may grant leave to him to be absent from it in the charge of such person and for such period as they think fit, but during such period he shall, for the purposes of this Order, be deemed to be detained by the managers of the centre, and the managers may at any time require him to return to the centre.

5.—(1) If in the case of a person detained in a juvenile justice centre who has attained the age of 16 the Secretary of State is satisfied by the samereports as are required for the purposes of Article 53 of the Mental Health (Northern Ireland) Order 1986 that that person is suffering from mental disorder of a nature or degree which warrants his reception into guardianship under that Order, the Secretary of State may, if he is of the opinion having regard to the public interest and to all the circumstances that it is expedient to do so, by warrant direct that that person be placed under the guardianship of a Board or HSS trust or such other person approved by a Board or HSS trust as may be specified in the direction.

(2) A direction shall not be given under this paragraph placing a person under the guardianship of a Board or HSS trust or other person unless the Secretary of State is satisfied as to the willingness of that Board, trust or person to receive that person into guardianship.

(3) A direction under this paragraph with respect to any person shall have the same effect as a guardianship order made in his case.

(4) Expressions used in this paragraph and in the Mental Health (Northern Ireland) Order 1986 have the same meanings in this paragraph as in that Order.

6.—(1) If a person detained in a juvenile justice centre has attained the age of 15 and the managers of the centre consider that he is likely to injure himself or other persons, the managers may bring him before a court of summary jurisdiction.

(2) A court may order a person brought before it under this paragraph to be transferred to a young offenders centre for the unexpired part of the period for which he is liable to be detained in a juvenile justice centre.

- (3) In relation to a person who is transferred to a young offenders centre under this paragraph—
- (a) an order under which he was detained in the juvenile justice centre shall continue to have effect (subject to the order made under this paragraph);
 - (b) Article 54 (escapes) shall have effect as if references to a juvenile justice centre were references to a young offenders centre and references to the order referred to in paragraph (1) were references to the order under which he was detained in a juvenile justice centre as it has effect by virtue of this paragraph;
 - (c) the references in Articles 40(2)(a), 49 and 54(1) to the managers of the juvenile justice centre shall be construed as references to the governor of the young offenders centre.

(4) The Secretary of State may at any time order a person who is transferred to a young offenders centre under this paragraph to be discharged.

7. Every person who—

- (a) is authorised by the managers of a juvenile justice centre to take charge of a person detained by them, or to apprehend such a person and bring him back to the centre; or
- (b) is authorised by the Secretary of State or, being a probation officer, is authorised by a court, to take to a juvenile justice centre a person ordered to be detained there;

shall, for the purposes of this duty, have all the powers, protection and privileges of a constable.

SCHEDULE 3

Article 59(3).

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 59(3)

1. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed as references to that Schedule as modified by this Schedule.
2. References to the council or the Department shall be construed as references to the Secretary of State.
3. Paragraph 1 shall be omitted.
4. In paragraph 2—
 - (a) for the words from the beginning to “directs,” there shall be substituted the words “Where the Secretary of State proposes to acquire land otherwise than by agreement, he shall give notice of his intention to do so and such notice”;
 - (b) in sub-paragraph (c) for the words “as may be prescribed” there shall be substituted the words “as the Secretary of State thinks fit”.
5. In paragraph 3—
 - (a) in sub-paragraph (1)(i) for the words “any modifications of the council’s proposal that the Ministry thinks proper” there shall be substituted the words “such modifications to his proposal as he thinks fit”;
 - (b) in sub-paragraph (1)(ii) for the word “refuse” there shall be substituted the words “decide not”;
 - (c) in sub-paragraph (2) for the words “making or refusing” there shall be substituted the words “deciding whether to make”.
6. In paragraph 4 the words from “and may provide” to the end of the paragraph shall be omitted.
7. In paragraph 5—
 - (a) in sub-paragraph (1)(a) the words “in the prescribed form and manner” shall be omitted;
 - (b) in sub-paragraph (1)(b) for the two references to the said Act of 1972 there shall be substituted references to this Order;
 - (c) in sub-paragraph (1)(d) the words “in the prescribed form” shall be omitted;
 - (d) in sub-paragraph (2) for the words “as may be prescribed” there shall be substituted the words “as the Secretary of State thinks fit”.
8. In paragraph 6(2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” there shall be substituted the words “Consolidated Fund of the United Kingdom” and for the words “out of the compensation fund” there shall be substituted the words “made by the Secretary of State”.
9. In paragraph 11(3) the words “in the prescribed form” shall be omitted.

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10. In paragraph 12—
 - (a) in sub-paragraph (1) the word “such” and the words “as may be prescribed” shall be omitted;
 - (b) in sub-paragraph (2) for the words from “clerk” to “directs,” there shall be substituted the words “Secretary of State as correct, and publish”.
11. In paragraph 14(1) the words “in the prescribed form,” shall be omitted.
12. In paragraph 15(1) for the words “in the prescribed form” there shall be substituted “in such form as may be approved by the Secretary of State”.
13. In paragraph 18—
 - (a) in sub-paragraph (2) for the words “Ministry of Finance” there shall be substituted “Treasury”;
 - (b) after that sub-paragraph there shall be added the following sub-paragraph—

“(3) Section 143 shall not apply to an order made by the Treasury under this paragraph but such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.”.
14. Paragraph 19 shall be omitted.
15. In paragraph 20, sub-paragraph (2) shall be omitted.

SCHEDULE 4

Article 64(2).

TRANSITIONAL PROVISIONS AND SAVINGS

1. Each of Articles 35, 36, 37, 39, 44, 45, 47 and 48 shall apply in relation to offenders convicted (but not sentenced) before the commencement of that Article as it applies to offenders convicted afterwards.
2. Any training school which at the commencement of this paragraph is approved or provided under the Act of 1968 shall be deemed to be a juvenile justice centre provided under Article 51.
3. Where at the commencement of this paragraph there is in force in relation to any person any of the following orders under the Act of 1968—
 - (a) a supervision order;
 - (b) a training school order; or
 - (c) an order committing a person to the care of a fit person,the repeal by this Order of any provision of the Act of 1968 or of any other statutory provision shall not have effect in relation to that order.
4. In this Schedule the “Act of 1968” means the Children and Young Persons Act (Northern Ireland) 1968.

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”.

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”.

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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.”.

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—

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- “(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”.

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.”;

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- (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—
 - (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.”.

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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”.

SCHEDULE 6

Article 65(2).

REPEALS

Chapter or Number	Short title	Extent of repeal
1956 c. 4 (N.I.).	Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956.	In section 2, in subsection (3) the words “subject to subsection (4)” and subsection (4). In section 19, the definitions of “the Act of 1968” and “training school”.
1968 c. 29 (N.I.).	Treatment of Offenders Act (Northern Ireland) 1968.	In section 9, in subsection (1) the words from “then” to “mentioned in paragraph (b)” and paragraph (b), and subsection (3).
1968 c. 34 (N.I.).	Children and Young Persons Act (Northern Ireland) 1968.	Sections 48 to 62. Sections 64 to 79. Sections 81 to 91. Section 97. Sections 99 to 102. Sections 132 to 148. Sections 150 and 151. Sections 163, 167, 168, 170, 172, 173, 174(1), 176, 177 and 179. In section 180(1) the definitions of “Board”, “clerk”, “compulsory school age”, “guardian”, “HSS trust”, “local education authority”, “managers”, “the Minister”, “the Ministry”, “notice”, “order for conditional discharge”, “parental responsibility”, “place of safety”, “prescribed”, “probation order”, “relative”, “remand centre”, “remand home”, “school”, “supervision order”, “the 1986 Order”, “training school”, “training school order” and “young offenders centre”. Section 181(1).

Status: This is the original version (as it was originally made).

Chapter or Number	Short title	Extent of repeal
		Schedules 3 to 6.
		Schedule 7, except paragraph 39.
1973 c. 53.	Northern Ireland (Emergency Provisions) Act 1973.	Section 9(1) to (5).
S.I. 1973 No. 2163.	Northern Ireland (Modification of Enactments – No. 1) Order 1973.	Article 2(2).
		In Schedule 5, paragraph 57(a), (b), (d) and (e).
1978 c. 19.	Oaths Act 1978.	Section 2.
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the amendments relating to sections 65(2), 67(b), 76(6)(b) and 79(2) of the Children and Young Persons Act (Northern Ireland) 1968.
1978 NI 17.	Protection of Children (Northern Ireland) Order 1978.	Article 9(2)(b).
1978 NI 27.	Rehabilitation of Offenders (Northern Ireland) Order 1978.	In Article 6— (a) paragraph (5)(a) and (b); (b) paragraph (6)(a); (c) in paragraph (10), the words “or supervision order under the Children and Young Persons Act (Northern Ireland) 1968”.
1980 NI 5.	Domestic Proceedings (Northern Ireland) Order 1980.	In Schedule 3, paragraph 10.
1980 NI 6.	Criminal Justice (Northern Ireland) Order 1980.	In Part II of Schedule 1, paragraph 48.
1980 NI 10.	Treatment of Offenders (Northern Ireland) Order 1980.	In Schedule 2, paragraphs 2 to 4.
1981 c. 49.	Contempt of Court Act 1981.	Section 14(3) (as set out in Schedule 4).
1981 NI 8.	Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.	In Article 34, the words “or young person” in the second and third places where they occur. In Part I of Schedule 1, in paragraph 3(f) the words from “sections” to “1968 and”.

Chapter or Number	Short title	Extent of repeal
1981 NI 26.	Magistrates' Courts (Northern Ireland) Order 1981.	In Article 15(2) the words “or young persons” where they twice occur. Article 47(6)(c). In Part II of Schedule 6, paragraphs 96 to 102, 105, 108, 109, 113 and 114.
1984 NI 3.	Fines and Penalties Northern Ireland) Order 1984.	In Article 17(2), sub- (paragraph (d). In Schedule 2, paragraph 5. In Schedule 3, the amendments to the Children and Young Persons Act (Northern Ireland) 1968.
1985 c. 60.	Child Abduction and Custody Act 1985.	Section 25(4).
1985 NI 17.	Child Abduction (Northern Ireland) Order 1985.	In Article 3(7) the words “or committed to the care of a fit person”. In the Schedule— (a) in the cross-heading immediately preceding paragraph 1 the words “or committed to the care of a fit person”; (b) in paragraph 1(1) the words “or committed to the care of a fit person in Northern Ireland.”; (c) in paragraph 1(2)(a) the words “or the fit person in whose care the child is”; (d) paragraph 2.
1986 NI 3.	Education and Libraries (Northern Ireland) Order 1986.	In Schedule 18, the entry relating to section 180 of the Children and Young Persons Act (Northern Ireland) 1968.
1986 NI 4.	Mental Health (Northern Ireland) Order 1986.	In Articles 60(2)(b) and 61(2) the words “or young person”. In Article 61(4) the words “or young persons”. In Part II of Schedule 5 the entries relating to section 58(4) of, and Schedules 3 and 5

Status: This is the original version (as it was originally made).

Chapter or Number	Short title	Extent of repeal
		to, the Children and Young Persons Act (Northern Ireland) 1968.
1986 NI 15.	Criminal Justice (Northern Ireland) Order 1986.	Article 5.
1988 NI 17.	Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988.	Article 12.
1989 NI 12.	Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 2(2) in the definition of “parent or guardian” the words “or young person”. Article 38(13)— (a) sub-paragraph (a); (b) the words “the person responsible for the arrested juvenile’s supervision or”. Article 58. In Schedule 2 the entry relating to the Children and Young Persons Act (Northern Ireland) 1968. In Schedule 6, paragraph 6(2) to (5).
1989 NI 15.	Treatment of Offenders (Northern Ireland) Order 1989.	Articles 4 to 6. In Schedule 1, paragraphs 15 to 19 and 26.
1990 c. 42.	Broadcasting Act 1990.	In Schedule 20, paragraph 15(3) and (4).
1992 c. 7.	Social Security Contributions and Benefits (Northern Ireland) Act 1992.	In Schedule 9, paragraph 1(1) (e).
1994 NI 2.	Health and Personal Social Services (Northern Ireland) Order 1994.	In Schedule 1, in the amendments to the Children and Young Persons Act (Northern Ireland) 1968, the entry relating to Schedule 5.
1994 NI 15.	Criminal Justice (Northern Ireland) Order 1994.	Article 3(3). In Schedule 2, paragraph 5.
1995 NI 2.	Children (Northern Ireland) Order 1995.	In Article 2(2) the definition of “training school”.

Chapter or Number	Short title	Extent of repeal
		In Article 50(8)(b)(ii) the words from “or an order” to the end.
		In Schedule 9, paragraphs 26 to 37, 39 to 52, 55 to 57 and 118.
1995 NI 3.	Children’s Evidence (Northern Ireland) Order 1995.	Article 3.
		In Schedule 2, paragraphs 2 and 3.
1995 NI 17.	Police (Amendment) (Northern Ireland) Order 1995.	In Schedule 1 the entry relating to Article 2(5) of the Police and Criminal Evidence (Northern Ireland) Order 1989.
1996 NI 24.	Criminal Justice (Northern Ireland) Order 1996.	In Article 2(2)— (a) in the definition of “community order”, paragraph (d); (b) the definition of “supervision order”.
		In Article 9(3), sub-paragraph (d) and the immediately preceding “and”.
		In Article 20(1) the words from “or an order” to the end.
		In Schedule 5, paragraph 3.
		In Schedule 7 the entry relating to section 72(3) of the Children and Young Persons Act (Northern Ireland) 1968.