
STATUTORY INSTRUMENTS

2005 No. 1965

The Criminal Justice (Northern Ireland) Order 2005

Anti-social behaviour orders

Variation or discharge of orders under Article 6 or 6A

5. After Article 6A of the Anti-social Behaviour (Northern Ireland) Order 2004 (NI 12) (inserted by Article 4) insert—

“Variation or discharge of orders under Article 6 or 6A

6B.—(1) An order under Article 6 or 6A may specify one or more relevant authorities (other than the Chief Constable) for the purposes of exercising the functions conferred by this Article or Article 7 on a specified authority; and, in relation to any such order, any relevant authority so specified is referred to in this Article and Article 7 as a “specified authority”.

(2) Where—

- (a) an order under Article 6 is made in the circumstances mentioned in paragraph (3) (a) of that Article; or
- (b) an order under Article 6A is made in the circumstances mentioned in paragraph (1)(a) of that Article,

the relevant authority or authorities to be specified in the order shall be such as may be requested by the prosecution.

(3) Where—

- (a) an order under Article 6 is made in the circumstances mentioned in paragraph (3) (b) of that Article; or
- (b) an order under Article 6A is made in the circumstances mentioned in paragraph (1)(b) of that Article,

the relevant authority or authorities to be specified in the order shall be such as may be determined by the court.

(4) Where an order is made under Article 6 or 6A, the prosecution must send a copy of the order to—

- (a) the Director of Public Prosecutions (if the Director is not conducting the prosecution);
- (a) the Chief Constable; and
- (b) any specified authority.

(5) A person subject to an order under Article 6 or 6A may apply to the court which made it for it to be varied or discharged.

(6) If he does so, he must send written notice of his application to—

- (a) the Chief Constable; and
- (b) any specified authority.

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 2005, Section 5 is up to date with all changes known to be in force on or before 06 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) If an application under paragraph (5) is successful, the court must serve notice of the variation or discharge on any specified authority.

(8) The Chief Constable may apply to the court which made an order under Article 6 or 6A for it to be varied or discharged.

(9) If the Chief Constable does so, he must send written notice of his application to—

- (a) the person subject to the order; and
- (b) any specified authority.

(10) If an application under paragraph (8) is successful, the Chief Constable must serve notice of the variation or discharge on any specified authority.

(11) A specified authority may apply to the court which made an order under Article 6 or 6A for it to be varied or discharged if it appears to the authority that—

- (a) in the case of variation, the protection of relevant persons from anti-social acts by the person subject to the order would be more appropriately effected by a variation of the order;
- (b) in the case of discharge, that it is no longer necessary to protect relevant persons from anti-social acts by him by means of such an order.

(12) If a specified authority does so, it must send written notice of its application to—

- (a) the person subject to the order;
- (b) the Chief Constable; and
- (c) any other specified authority.

(13) If an application under paragraph (11) is successful, the specified authority which made the application must serve notice of the variation or discharge on—

- (a) the Chief Constable; and
- (b) any other specified authority.

(14) The references in paragraphs (5), (8) and (11) to the court by which an order was made—

- (a) include, in the case of an order made by a magistrates' court, a reference to any magistrates' court acting for the same county court division as that court; and
- (b) shall be treated, in the case of an order made on appeal, as a reference to the court from which the appeal was brought (and not the appellate court).

(15) No order under Article 6 or 6A shall be discharged on an application under this Article before the end of the period of two years beginning with the day on which the order takes effect, unless—

- (a) in the case of an application under paragraph (5), the Chief Constable and any specified authority each consent,
- (b) in the case of an application under paragraph (8), any specified authority and the person subject to the order each consent, and
- (c) in the case of an application under paragraph (11), the Chief Constable, any other specified authority and the person subject to the order each consent.”.

Changes to legislation:

The Criminal Justice (Northern Ireland) Order 2005, Section 5 is up to date with all changes known to be in force on or before 06 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the The Criminal Justice (Northern Ireland) Order 2005

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2016/387 art. 2 commences \(2015 c. 9 \(N.I.\)\)](#)