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STATUTORY INSTRUMENTS

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**2008 No. 1216**

**The Criminal Justice (Northern Ireland) Order 2008**

**PART 2**

**SENTENCING**

**CHAPTER 4**

**RELEASE ON LICENCE**

*Licences for sexual offenders*

**Breach of licensing for sexual offenders**

**34.**—(1) In the Criminal Justice (Northern Ireland) Order 1996 (NI 24) for Article 27 substitute—

**“Breach of licence conditions**

**27.**—(1) If at any time while an offender is released on licence under Article 26 it appears, on complaint to a lay magistrate, that the offender has failed to comply with any of the conditions specified in the licence, the lay magistrate may—

- (a) issue a summons requiring the offender to appear before the appropriate court at a time specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender to be arrested and brought before the appropriate court.

(2) If—

- (a) a warrant is issued under sub-paragraph (1) requiring an offender to be brought before the Crown Court, and
- (b) the offender cannot forthwith be brought before the Crown Court because it is not being held,

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court acting for the petty sessions district in which he resides.

(3) Where an offender is brought before a magistrates' court in pursuance of paragraph (2), that court shall commit the offender in custody or on bail to the Crown Court.

(4) Where the appropriate court before which an offender appears or is brought under this Article is the Crown Court and that Court is satisfied that the offender has failed without reasonable excuse to comply with any of the conditions specified in the licence, the Court may

- (a) impose on him a fine not exceeding £1000;
- (b) revoke the licence; or
- (c) suspend the licence for a specified period which is shorter than the remaining licence period.

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**Changes to legislation:** *The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Licences for sexual offenders is up to date with all changes known to be in force on or before 28 April 2024. 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*

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(5) Where the appropriate court before which an offender appears or is brought under this Article is a court of summary jurisdiction and that court is satisfied that the offender has failed without reasonable excuse to comply with any of the conditions specified in the licence, that court may—

- (a) impose on him a fine not exceeding £1000;
- (b) if the remaining licence period is less than 6 months, revoke the licence; or
- (c) suspend the licence for a specified period which—
  - (i) is shorter than the remaining licence period; and
  - (ii) does not exceed 6 months.

(6) Where a court revokes the licence of an offender under paragraph (4) or (5)—

- (a) the court shall order the offender to be returned to prison or, as the case may be, a young offenders centre; and
- (b) the offender—
  - (i) shall be liable to be detained there in pursuance of his sentence until the date on which he would (but for his release) have served the whole of his sentence or order for detention; and
  - (ii) if at large shall be treated as being unlawfully at large.

(7) Where a court suspends the licence of an offender for a specified period under paragraph (4) or (5)—

- (a) the court shall order the offender to be returned to prison or, as the case may be, a young offenders centre; and
- (b) the offender—
  - (i) shall be liable to be detained there for that period in pursuance of his sentence or order for detention; and
  - (ii) if at large shall be treated as being unlawfully at large.

(8) In this Article “the remaining licence period”, in relation to an offender released on licence under Article 26, means the period beginning with the date of the making of an order under this Article and ending with the date on which the offender would (but for his release) have served the whole of his sentence or order for detention.

(9) In this Article “the appropriate court”, in relation to an offender released on licence in pursuance of an order under Article 26(1)(b), means—

- (a) if the Crown Court made the order, the Crown Court; and
- (b) if a court of summary jurisdiction made the order, a court of summary jurisdiction acting for the petty sessions district in which the offender resides

and if the order has been made on appeal, it shall be treated for the purposes of this paragraph as if it had been made by the court from which the appeal was brought.”.

(2) Paragraph (1) does not apply in relation to a failure to comply with any of the conditions specified in a licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) if that failure occurred before the coming into operation of this Article.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)