STATUTORY RULES OF NORTHERN IRELAND

2003 No. 478

MAGISTRATES' COURTS

The Magistrates' Courts (Criminal Justice (Children)) (Amendment) Rules (Northern Ireland) 2003

Made - - - -	*17th November 2003*
Coming into operation	*18th December 2003*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**), on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Criminal Justice (Children)) (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 18th December 2003.

(2) In these Rules, a reference to a Schedule or a Form by a number means the Schedule or Form so numbered in the Magistrates' Courts (Criminal Justice (Children)) Rules (Northern Ireland) 1999(**2**).

Amendment to the principal Rules

2. Schedule 1 shall be amended as follows:

(a) for Form 17, there shall be substituted the new Form 17 in the Schedule to these Rules; and

(b) after Form 41, there shall be inserted the new Forms 42 to 55 in the Schedule to these Rules.

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) S.R. 1999 No. 7

Signed by the authority of the Lord Chancellor

Lord Filkin
Parliamentary Under Secretary of State,
Department for Constutional Affairs

Dated 17th November 2003

SCHEDULE Rule 2

FORMS TO BE SUBSTITUTED OR INSERTED IN THE MAGISTRATES' COURTS (CRIMINAL JUSTICE (CHILDREN)) RULES (NORTHERN IRELAND) 1999

FORM 17CRIMINAL JUSTICE (CHILDREN) (NORTHERN IRELAND) ORDER 1998

(Article 36(1))

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 127)

Recognizance by [Parent] [Guardian] for Good Behaviour of Child

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS (*insert name*) (hereinafter called the Defendant) being a child, was on the day of found guilty of the following offence(s): (*insert brief particulars of offence*)

AND WHEREAS the court has ordered the [parent] [guardian] of the said Defendant to enter into a recognizance as security for his good behaviour, in particular the Defendant shall not (*specify types of behaviour from which the Defendant must refrain*).

The undersigned (*name*) , of (*address*) , the [parent] [guardian] of the said Defendant, hereby acknowledges h self as bound to forfeit to the Crown the sum of £ in case the Defendant fails to be of good behaviour, in particular (*specify types of behaviour from which the Defendant must refrain*) –

for the period of now next ensuing.

Parent [Guardian].

Taken and acknowledged before me this day of

Justice of the Peace
[Clerk of Petty Sessions]

FORM 42CRIMINAL JUSTICE (CHILDREN) (NORTHERN IRELAND) ORDER 1998

(Article 36A)

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 126)

Reparation Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the above-named defendant being a child having been born so far as can be ascertained on (*date*) , was on the (*date*) found guilty by a [youth] [magistrate's] court sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND on the (*date*) , a youth court [having considered a pre-sentence report] is of the opinion that the offence or the combination of the offence and one or more other offences associated with it, is serious enough to warrant a reparation order.

AND the court also considered a report indicating the type of requirements that it would be appropriate to impose on the offender, and the attitude of the victim[s] of the offence to the requirements proposed to be included in the order.

AND the court has explained in ordinary language to the defendant:

(a) why it is making this order;

(b) the effect of this order and its requirements;

(c) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and

(d) that the court has power to review the order on the application of either the defendant or of the responsible officer (within the meaning of Article 36D(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998).

And the defendant has consented to the making of this order.

[The person(s) to whom the offender is required to make reparation [has] [have] consented to the making of such reparation]

IT IS ORDERED that the defendant, who [resides] [will reside] in the petty sessions district of , shall within the period of six months beginning with the date of this order, be required to make reparation to [(*name of victim or other person affected by the offence*)] [the community at large] by way of (*specify details of reparation*) –

for a period of (*specify number of hours not exceeding 24*) hours.

The responsible officer shall be (*specify responsible officer*) .

Dated this day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

FORM 43CRIMINAL JUSTICE (CHILDREN) (NORTHERN IRELAND) ORDER 1998