STATUTORY RULES OF NORTHERN IRELAND

1997 No. 530

MAGISTRATES' COURTS

Magistrates' Courts (Children and Young Persons) (Amendment) Rules (Northern Ireland) 1997

Made - - - - 9th December 1997

Coming into operation 1st January 1998

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and all other powers enabling him in that behalf, 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 (Children and Young Persons) (Amendment) Rules (Northern Ireland) 1997 and shall come into operation on 1st January 1998.

(2) In these Rules the 'principal Rules' means the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969(**2**) and a reference to a Form by number means the Form so numbered in the principal Rules.

Amendment of Schedule to the principal Rules

2.—(1) The Schedule to the principal Rules shall be amended in accordance with this Rule.

(2) In Form 17 for the word "imprisonment" there shall be substituted "a custodial sentence other than one fixed by law" and after these words there shall be inserted the following paragraph—

> "AND the court [having considered a pre-sentence report] [is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that only a custodial sentence can be justified for that offence, because (*state reason*)] [is of the opinion, where the offence is a violent or sexual offence, that only a custodial sentence could be adequate to protect the public from serious harm from him, because (*state reason*)] [proposed a community sentence which required the consent of the defendant and the defendant refused to give that consent] [AND the court is of the opinion that a custody probation order

(**1**) S.I. 1981/675 (N.I. 26)
(**2**) S.R. 1969 No. 221 as amended by S.R. 1971 No. 179, S.R. 1973 No. 346, S.R. 1977 No. 172, S.R. 1996 No. 126 and S.R. 1996 No. 325