PROBATION

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Forms

RULES, DATED 31ST MARCH, 1950, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTION (1) OF SECTION SIXTEEN OF THE PROBATION ACT (NORTHERN IRELAND), 1950.

1950. No. 58

The Ministry of Home Affairs by virtue of the powers conferred upon it by sub-section (1) of section sixteen of the Probation Act (Northern Ireland), 1950, (hereafter referred to as "the Act"), and of all other powers enabling it in that behalf, hereby makes the following Rules :—

1. These Rules may be cited as the Probation Rules, (Northern Ireland), 1950.

2. These Rules shall come into operation on the 1st April, 1950.

3. The forms in the Schedule hereto, or forms to the like effect, are hereby prescribed as the forms which may be used for the purposes of proceedings under or in consequence of the Act.

4. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this thirty-first day of March, nineteen hundred and fifty in the presence of

(L.S.) *H. C. Montgomery*,
Assistant Secretary.

I hereby approve of the foregoing Rules.

Given under my hand at Belfast this thirty-first day of March, nineteen hundred and fifty.

James Andrews,
Lord Chief Justice of Northern Ireland.

SCHEDULE

FORMS APPLICABLE TO ABSOLUTE AND CONDITIONAL DISCHARGE AND TO PROBATION

1. Order for Absolute Discharge.

2. Order for Conditional Discharge.

3. Probation Order.

4. Summons to Probationer on Application to amend Probation Order.

5. Order discharging or amending Probation Order.

6. Information for Breach of Requirement of Probation Order.

7. Summons for Breach of Requirement of Probation Order.

8. Warrant for Breach of Requirement of Probation Order

9. Remand of Probationer to Assizes or Sessions on Breach of Requirement of Probation Order.

10. Certificate that Probationer has failed to comply with Requirement of Probation Order.

11. Order on Failure to comply with Requirement of Probation Order.

12. Commitment on Failure to comply with Requirement of Probation Order.

13. Information on Commission of Further Offence during Probation Period or Period of Conditional Discharge.

14. Summons on Commission of Further Offence during Probation Period or Period of Conditional Discharge.

15. Warrant on Commission of Further Offence during Probation Period or Period of Conditional Discharge.

16. Remand to Assizes or Sessions on Commission of Further Offence by Probationer or Person in whose case an Order for Conditional Discharge has been made.

17. Order in respect of Original Offence on Commission of Further Offence during Probation Period or Period of Conditional Discharge.

18. Commitment on Commission of Further Offence during Probation Period or Period of Conditional Discharge.

19. Notice to Ministry of Home Affairs of Probation Order requiring Residence in an Institution.

PROBATION ACT (N.I.), 1950

FORM No. 1

ORDER FOR ABSOLUTE DISCHARGE

(Section 5)

Complainant.	}	Petty Sessions District of
Defendant.	}	County of

Before the Court of Summary Jurisdiction sitting at

A.B. (hereinafter called the defendant) [having consented to be dealt with summarily] [having pleaded guilty] [being a young person having attained the age of 14 but being under the age of 17 and though informed by the Court of his/her right to be tried by a jury having consented to be dealt with summarily] [being a child over the age of 8 but under the age of 14 and his/her parent or guardian though informed by the Court of his/her right to have the child tried by a jury having consented to the child being dealt with summarily] is this day convicted for that he/she on the day of , 19 , at did

And the Court is of opinion, having regard to the circumstances including the nature of the offence and the character of the defendant, that it is inexpedient to inflict punishment and that a probation order is not appropriate.

It is therefor ordered that the defendant be discharged absolutely.

[And it is ordered that the defendant do pay to the sum of [as damages for injury] [or compensation for loss] and do further pay to the sum of for costs, the said sums to be paid [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of , 19].]

Dated the day of , 19

Resident Magistrate.

FORM No. 2

ORDER FOR CONDITIONAL DISCHARGE.

(Section 5).

Complainant. } Petty Sessions District of
Defendant. } County of

Before the Court of Summary Jurisdiction sitting at

A.B. (hereinafter called the defendant) [having consented to be dealt with summarily] [having pleaded guilty] [being a young person having attained the age of 14 but being under the age of 17 and though informed by the Court of his/her right to be tried by a jury having consented to be dealt with summarily] [being a child over the age of 8 but under the age of 14 and his/her parent or guardian though informed by the Court of his/her right to have the child tried by a jury having consented to the child being dealt with summarily] is this day convicted for that he/she on the day of , 19 , at did

And the Court is of opinion, having regard to the circumstances including the nature of the offence and the character of the defendant, that it is inexpedient to inflict punishment and that a probation order is not appropriate.

It is therefore ordered that the defendant be discharged subject to the condition that he/she commits no offence during the period of months next ensuing.

[And it is ordered that the defendant to pay to the sum of [as damages for injury] [or compensation for loss] and do further pay to the sum of for costs, the said sums to be paid [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of , 19].]

Dated the day of , 19 .

Resident Magistrate.

FORM No. 3

PROBATION ORDER.
(Section 1)

Complainant, } Petty Sessions District of
Defendant. } County of

Before the Court of Summary Jurisdiction sitting at

A.B. (hereinafter called the defendant) [having consented to be dealt with summarily] [having pleaded guilty] [being a young person having attained the age of 14 but being under the age of 17 and though informed by the Court of his/her right to be tried by a jury having consented to be dealt with summarily] [being a child over the age of 8 but under the age of 14 and his/her parent or guardian though informed by the Court of his/her right to have the child tried by a jury having consented to the child being dealt with summarily] is this day convicted for that he/she on the day of , 19 , at did

And the Court is of opinion, having regard to the circumstances including the nature of the offence and the character of the defendant, that it is expedient to make a probation order.

And the Court has explained to the defendant the effect of this order and that if he/she fails to comply therewith or commits another offence he/she will be liable to be sentenced for the original offence [*and the defendant has expressed his/her willingness to comply with the requirements thereof.]

It is therefore ordered that the defendant, who resides [or will reside] in the [Petty Sessions District] of , be required for the period of [years] next ensuing to be under the supervision of a probation officer appointed for or assigned to that [District]; and it is further ordered that the defendant shall during the said period comply with the following requirements :—

1. That he/she shall lead an honest and industrious life.
2. That he/she shall notify forthwith to the probation officer any change of his/her residence or employment.
3. That he/she shall keep in touch with the probation officer in accordance with such instructions as may from time to time be given by the probation officer, and, in particular, that he/she shall, if the probation officer so requires, receive visits from the probation officer at his/her home.
4. (*Here will follow any special requirements relating to residence, etc.*)

[And it is ordered that the defendant do pay to the sum of [as damages for injury] [or compensation for loss] and do further pay to the sum of] for costs, the said sums to be paid [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of , 19].]

Dated the day of , 19 .

Resident Magistrate.

* To be omitted in the case of a child under 14.