

Status: Point in time view as at 01/12/2016.

Changes to legislation: Justice Act (Northern Ireland) 2015, Cross Heading: Notification requirements is up to date with all changes known to be in force on or before 09 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)



2015 CHAPTER 9

PART 8

VIOLENT OFFENCES PREVENTION ORDERS

Notification requirements

Offenders subject to notification requirements

64.—(1) References in the following provisions of this Part to an offender subject to notification requirements are references to an offender who is for the time being subject to a violent offences prevention order or an interim violent offences prevention order which is in force under this Part.

(2) Subsection (1) has effect subject to section 67(7) (which excludes from section 67 an offender subject to an interim violent offences prevention order).

Commencement Information

II S. 64 in operation at 1.12.2016 by S.R. 2016/417, art. 2(j)

Notification requirements: initial notification

65.—(1) An offender subject to notification requirements must notify the required information to the police within the period of 3 days beginning with the date on which the violent offences prevention order or the interim violent offences prevention order comes into force in relation to the offender (“the relevant date”).

(2) The “required information” is the following information about the offender—

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- (a) date of birth;
- (b) national insurance number;
- (c) name on the relevant date or, if the offender used two or more names on that date, each of those names;
- (d) home address on the relevant date;
- (e) name on the date on which the notification is given or, if the offender used two or more names on that date, each of those names;
- (f) home address on the date on which the notification is given;
- (g) the address of any other premises in the United Kingdom at which on that date the offender regularly resides or stays;
- (h) any information prescribed by regulations made by the Department.

(3) When determining the period of 3 days mentioned in subsection (1), there is to be disregarded any time when the offender is—

- (a) remanded in or committed to custody by an order of a court;
- (b) serving a custodial sentence;
- (c) detained in a hospital; or
- (d) outside the United Kingdom.

(4) In this Part “home address” means in relation to the offender—

- (a) the address of the offender's sole or main residence in the United Kingdom, or
- (b) if the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found or, if there is more than one such place, such one of them as the offender selects.

Commencement Information

- I2** S. 65(1)(2)(a)-(g)(3)(4) in operation at 1.12.2016 by S.R. 2016/417, art. 2(k)
- I3** S. 65(2)(h) in operation at 1.9.2015 by S.R. 2015/324, art. 2(a)

Notification requirements: changes

66.—(1) An offender subject to notification requirements must, within the period of 3 days beginning with the date on which any notifiable event occurs, notify to the police—

- (a) the required new information, and
- (b) the information mentioned in section 65(2).

(2) A “notifiable event” means—

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- (a) the use by the offender of a name which has not been notified to the police under section 65 or this section;
 - (b) any change of the offender's home address;
 - (c) the expiry of any qualifying period during which the offender has resided or stayed at any premises in the United Kingdom the address of which has not been notified to the police under section 65 or this section;
 - (d) any prescribed change of circumstances; or
 - (e) the release of the offender from custody pursuant to an order of a court or from a custodial sentence or detention in a hospital.
- (3) The “required new information” is—
- (a) the name referred to in subsection (2)(a),
 - (b) the new home address (see subsection (2)(b)),
 - (c) the address of the premises referred to in subsection (2)(c),
 - (d) the prescribed details, or
 - (e) the fact that the offender has been released as mentioned in subsection (2)(e),
- as the case may be.
- (4) A notification under subsection (1) may be given before the notifiable event occurs, but in that case the offender must also specify the date when the event is expected to occur.
- (5) If a notification is given in accordance with subsection (4) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by subsection (1).
- (6) If a notification is given in accordance with subsection (4) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—
- (a) the notification does not affect the duty imposed by subsection (1), and
 - (b) the offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.
- (7) Section 65(3) applies to the determination of—
- (a) any period of 3 days for the purposes of subsection (1), or
 - (b) any period of 6 days for the purposes of subsection (6),
- as it applies to the determination of the period of 3 days mentioned in section 65(1).
- (8) In this section—
- (a) “prescribed change of circumstances” means any change—

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- (i) occurring in relation to any matter in respect of which information is required to be notified by virtue of section 65(2)(h), and
- (ii) of a description prescribed by regulations made by the Department;
- (b) “the prescribed details”, in relation to a prescribed change of circumstances, means such details of the change as may be so prescribed.
- (9) In this section “qualifying period” means—
 - (a) a period of 7 days, or
 - (b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

Commencement Information

- I4** S. 66(1)(2)(a)-(c)(e)(3)(a)-(c)(e)(4)-(9) in operation at 1.12.2016 by S.R. 2016/417, **art. 2(l)**
- I5** S. 66(2)(d) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(j)**
- I6** S. 66(3)(d) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(j)**

Notification requirements: periodic notification

67.—(1) An offender subject to notification requirements must, within the applicable period after each notification date, notify to the police the information mentioned in section 65(2), unless the offender has already given a notification under section 66(1) within that period.

(2) A “notification date” means, in relation to the offender, the date of any notification given by the offender under section 65(1) or 66(1) or subsection (1).

(3) Where the applicable period would (apart from this subsection) end while subsection (4) applies, that period is to be treated as continuing until the end of the period of 3 days beginning with the date on which subsection (4) first ceases to apply.

- (4) This subsection applies if the offender is—
 - (a) remanded in or committed to custody by an order of a court,
 - (b) serving a custodial sentence,
 - (c) detained in a hospital, or
 - (d) outside the United Kingdom.
- (5) In this section “the applicable period” means—
 - (a) in any case where subsection (6) applies, such period as may be prescribed by regulations made by the Department, and
 - (b) in any other case, the period of one year.

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(6) This subsection applies if the last home address notified by the offender under section 65(1) or 66(1) or subsection (1) was the address or location of such a place as is mentioned in section 65(4)(b).

(7) Nothing in this section applies to an offender who is subject to an interim violent offences prevention order.

Commencement Information

I7 S. 67(1)-(4)(5)(b)(6)(7) in operation at 1.12.2016 by S.R. 2016/417, art. 2(m)

I8 S. 67(5)(a) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(k)

Notification requirements: absence from notified residence

68.—(1) This section applies to an offender subject to notification requirements at any time if the last home address notified by the offender under section 65(1), 66(1) or 67(1) was an address in Northern Ireland such as is mentioned in section 65(4)(a) (sole or main residence).

(2) If the offender intends to be absent from that home address for a period of more than 3 days (“the relevant period”), the offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).

(3) The information is—

- (a) the date on which the offender will leave that home address;
- (b) such details as the offender holds about—
 - (i) the offender's travel arrangements during the relevant period;
 - (ii) the offender's accommodation arrangements during that period;
 - (iii) the offender's date of return to that address.

(4) In this section—

“travel arrangements” include, in particular, the means of transport to be used and the dates of travel,

“accommodation arrangements” include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.

(5) Where—

- (a) an offender has given a notification under subsection (2), and
- (b) at any time before that mentioned in that subsection, the information notified becomes inaccurate or incomplete,

the offender must give a further notification under subsection (2).

(6) Where an offender—

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(a) has notified a date of return to the offender's home address, but

(b) returns to that home address on a date other than that notified,

the offender must notify the date of the offender's actual return to the police within 3 days of the actual return.

(7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 69.

(8) In calculating the relevant period for the purposes of this section there is to be disregarded—

(a) any period or periods which the offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in section 65(2)(g) notified to the police under section 65(1), 66(1) or 67(1);

(b) any period or periods which the offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would give rise to a requirement to notify the address of those premises under section 66(2)(c).

Commencement Information

19 S. 68 in operation at 1.12.2016 by S.R. 2016/417, art. 2(n)

Notification requirements: travel outside the United Kingdom

69.—(1) The Department may by regulations make provision with respect to offenders subject to notification requirements, or any description of such offenders—

(a) requiring such persons, before they leave the United Kingdom, to give in accordance with the regulations a notification under subsection (2);

(b) requiring such persons, if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under subsection (3).

(2) A notification under this subsection must disclose—

(a) the date on which the offender proposes to leave the United Kingdom;

(b) the country (or, if there is more than one, the first country) to which the offender proposes to travel and the proposed point of arrival (determined in accordance with the regulations) in that country;

(c) any other information prescribed by the regulations which the offender holds about the offender's departure from or return to the United Kingdom, or about the offender's movements while outside the United Kingdom.

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(3) A notification under this subsection must disclose any information prescribed by the regulations about the offender's return to the United Kingdom.

Commencement Information

- I10** S. 69(1) in operation at 1.9.2015 by S.R. 2015/324, art. 2(b)
I11 S. 69(2) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(1)
I12 S. 69(3) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(1)

Method of notification and related matters

70.—(1) An offender gives a notification to the police under section 65(1), 66(1), 67(1) or 68(2) or (6) by—

- (a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1)(a) of the Sexual Offences Act 2003, and
- (b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) Any notification given in accordance with this section must be acknowledged; and the acknowledgement must be—

- (a) in writing, and
- (b) in such form as the Department may direct.

(3) Where a notification is given under section 65(1), 66(1), 67(1) or 68(2) or (6), the offender must, if requested to do so by the police officer or other person mentioned in subsection (1)(b), allow that officer or person to—

- (a) take the offender's fingerprints,
- (b) photograph any part of the offender, or
- (c) do both of those things.

(4) Fingerprints and photographs taken from an offender under this section—

- (a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and
- (b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).

(6) Subsection (7) applies where—

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- (a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;
 - (b) fingerprints have also subsequently been taken from that person under this section; and
 - (c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person's fingerprints or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.
- (7) Where this subsection applies—
- (a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6)(a); and
 - (b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.
- (8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).
- (9) The Chief Constable may apply to a District Judge (Magistrates' Courts) for an order extending the period for which photographs taken under this section may be retained.
- (10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.
- (11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.
- (12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—
- (a) the Chief Constable;
 - (b) the person in relation to whom the order was sought.
- (13) In this section—
- (a) “photograph” includes any process by means of which an image may be produced; and
 - (b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.

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Commencement Information

I13 S. 70 in operation at 1.12.2016 by S.R. 2016/417, art. 2(o)

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