2015 CHAPTER 9

PART 8

VIOLENT OFFENCES PREVENTION ORDERS

Violent offences prevention orders

Qualifying offenders

58.—(1) In this Part "qualifying offender" means a person who is within subsection (2) or (3).

(2) A person is within this subsection if (whether before or after commencement)—

(a) the person has been convicted of a specified offence;

(b) the person has been found not guilty of a specified offence by reason of insanity, or

(c) the person has been found to be unfit to be tried and to have done the act charged in respect of a specified offence.

(3) A person is within this subsection if, under the law in force in a country outside Northern Ireland (and whether before or after commencement)—

(a) the person has been convicted of a relevant offence,

(b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the person was not guilty by reason of insanity, or

(c) such a court has, in respect of a relevant offence, made a finding equivalent to a finding that the person was unfit to be tried and did the act charged in respect of the offence.

(4) In subsection (3) "relevant offence" means an act which—

(a) constituted an offence under the law in force in the country concerned, and

(b) would have constituted a specified offence if it had been done in Northern Ireland.

(5) An act punishable under the law in force in a country outside Northern Ireland constitutes an offence under that law for the purposes of subsection (4) however it is described in that law.

(6) Subject to subsection (7), on an application under section 57, the condition in subsection (4)(b) (where relevant) is to be taken as met in relation to the person to whom the application relates unless, not later than magistrates' court rules may provide, that person serves on the Chief Constable a notice—

(a) denying that, on the facts as alleged with respect to the act in question, the condition is met,

(b) giving the reasons for denying that it is met, and

(c) requiring the Chief Constable to prove that it is met.

(7) If the court thinks fit, it may permit that person to require the Chief Constable to prove that the condition is met even though no notice has been served under subsection (6).

Commencement Information

I1 S. 58 in operation at 1.12.2016 by S.R. 2016/417, **art. 2(d)**

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Point in time view as at 01/12/2016.

Changes to legislation:
Justice Act (Northern Ireland) 2015, Section 58 is up to date with all changes known to be in force on or before 03 September 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.