
STATUTORY INSTRUMENTS

1998 No. 2839

The Criminal Justice (Northern Ireland) Order 1998

Treatment of offenders

Sex offender orders

6.—(1) If it appears to the Chief Constable that the following conditions are fulfilled with respect to any person in Northern Ireland, namely—

- (a) that the person is a sex offender; and
- (b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this Article is necessary to protect the public from serious harm from him,

the Chief Constable may apply for an order under this Article to be made in respect of the person.

(2) Such an application shall be made by way of complaint under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981 to a court of summary jurisdiction for the petty sessions district which includes any place where it is alleged that the defendant acted in such a way as is mentioned in paragraph (1)(b).

(3) If, on such an application, it is proved that the conditions mentioned in paragraph (1) are fulfilled, the court may make an order under this Article (a “sex offender order”) which prohibits the defendant from doing anything described in the order.

(4) The prohibitions that may be imposed by a sex offender order are those necessary for the purpose of protecting the public from serious harm from the defendant.

(5) A sex offender order shall have effect for a period (not less than 5 years) specified in the order or until further order; and while such an order has effect, Part I of the Sex Offenders Act 1997 shall have effect as if—

- (a) the defendant were subject to the notification requirements of that Part; and
- (b) in relation to the defendant, the relevant date (within the meaning of that Part) were the date of service of the order.

(6) Subject to paragraph (7), the applicant or the defendant may apply for the variation or discharge of the sex offender order by a further order.

(7) Except with the consent of both parties, no sex offender order shall be discharged before the end of the period of 5 years beginning with the date of service of the order.

(8) If without reasonable excuse a person does anything which he is prohibited from doing by a sex offender order, he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) Where a person is convicted of an offence under paragraph (8), it shall not be open to the court by or before which he is so convicted to make an order under paragraph (1)(b) (conditional discharge) of Article 4 of the Criminal Justice (Northern Ireland) Order 1996 in respect of the offence.