

**EXPLANATORY MEMORANDUM TO**  
**THE VIOLENT OFFENCES PREVENTION ORDER (NOTIFICATION**  
**REQUIREMENTS) REGULATIONS (NORTHERN IRELAND) 2016**

**2016 No. 145**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 65(2)(h), 66(2)(d) and (3)(d), 67(5)(a) and 69 of the Justice Act (Northern Ireland) 2015 (“the 2015 Act”) and is subject to the affirmative resolution procedure.

**2. Purpose**

- 2.1 These Regulations provide for additional information requirements which offenders subject to a Violent Offences Prevention Order (VOPO) under Part 8 of the 2015 Act must notify to police.

**3. Background**

- 3.1 Part 8 of the 2015 Act makes provision for the Violent Offences Prevention Order (VOPO). Section 64 (1) provides that those subject to a VOPO are also required to notify information to police under sections 65 to 70 of the 2015 Act.
- 3.2 Under sections 65 of the 2015 Act a relevant offender must initially notify to the police certain personal information including, but not limited to, their name; date of birth; national insurance number; home address; and any other address in the United Kingdom where they regularly reside or stay. Under sections 66 and 67, the person must report to police every year and whenever there are any changes to the information. Section 68 provides for the requirement to notify when they are absent from the sole or main residence which they had notified to police. Section 69 makes provision for notification requirements relating to intended travel outside the United Kingdom. Specifically, it provides that the person’s intended departure and return dates, foreign destination and carriers used to travel, must be notified. Section 69 (2) (c) provides for the making of regulations to prescribe the information to be provided on proposed travel outside the United Kingdom.

3.3 Under Section 71, failure to comply with any of the notification requirements is an offence punishable by a maximum penalty of five years imprisonment.

#### **4. Detail**

4.1 These regulations add to the notification requirements of those subject to a VOPO as contained in the 2015 Act. Specifically, they introduce the requirement to notify:

- weekly, if the relevant offender does not regularly reside or stay at one place;
- if the relevant offender has resided, or stayed for a period of at least 12 hours, at a household or other private place where a child resides or stays;
- information in relation to any bank accounts, credit and debit cards held by the relevant offender (whether alone or with another person and whether in the name of an unincorporated business run by the relevant offender); and
- information contained in any passport or other form of identification held by the relevant offender.

#### **5. Consultation**

5.1 In developing the policy for the VOPO, the Department has worked closely with key partner agencies, including the Police Service of Northern Ireland and the Probation Board for Northern Ireland. VOPO proposals, to include the notification requirements that apply to an order, were consulted upon as part of a wider public consultation exercise during July to October 2011 on Sex Offender Notification and Violent Offender Orders. A summary of representations made to the consultation was published in October 2011.

5.2 Points raised during consultation were fully considered by the Department. A copy of both the consultation document and the summary of responses to the consultation are available on the DoJ website: [www.dojni.gov.uk](http://www.dojni.gov.uk).

#### **6. Equality Impact**

6.1 There are no issues of equality to be considered. Any issues arising from the requirement of a violent offender to notify to police would have been addressed fully at the primary legislation stage.

## **7. Regulatory Impact**

7.1 A Regulatory Impact Assessment was not considered necessary.

## **8. Financial Implications**

8.1 There are no financial implications in respect of this policy.

## **9. Section 24 of the Northern Ireland Act 1998**

9.1 The legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

## **10. EU Implications**

10.1 There are no EU implications arising from the Regulations.

## **11. Parity or Replicatory Measure**

11.1 The Regulations ensure parity with legislation developed for notification requirements for sex offenders in England and Wales and Northern Ireland.

11.2 The notification requirements of those subject to a VOPO, provided for in the 2015 Act and by these regulations are more extensive than those requirements made for the Violent Offender Order in Part 7 of the Criminal Justice and Immigration Act 2008 in England and Wales, an order which is broadly similar in its aim and underlying principles, as the VOPO.

## **12. Additional Information**

12.1 Not applicable.