
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 94

MAGISTRATES' COURTS

PROCEDURE

**The Magistrates' Courts (Violent Offences
Prevention Orders) Rules (Northern Ireland) 2016**

Made - - - - *2nd March 2016*

Coming into operation *1st June 2016*

The Magistrates' Courts Rules Committee makes and the Department of Justice, after consultation with the Lord Chief Justice, allows the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 ^{M1} and sections 58 and 60 of the Justice Act (Northern Ireland) 2015 ^{M2}.

Marginal Citations

M1 [S.I. 1981/1675 \(N.I. 26\)](#); [Article 13](#) was amended by paragraph 65 of Schedule 5 to the [Constitutional Reform Act 2005 \(c.4\)](#); paragraph 133 of Schedule 18 to the [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#); and paragraph 4 of the Schedule to the [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c.13\)](#).

M2 [2015 c.9 \(N.I.\)](#).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016 and shall come into operation on 1st June 2016.

(2) In these Rules—

- (a)** “the Act” means the Justice Act (Northern Ireland) 2015 and a reference to a section by number means the section so numbered in the Act and expressions used have the same meaning as in the Act; and
- (b)** a reference to a Form by number means the Form so numbered in the Schedule to these Rules or a form to the like effect.

Violent offences prevention orders and interim violent offences prevention orders

2.—(1) A summons issued on foot of a complaint for—

- (a) a violent offences prevention order under section 57 of the Act; or
- (b) an interim violent offences prevention order under section 61 of the Act.

shall be in Form 1.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date of the hearing, serve notice under section 58(6) of the Act on the Chief Constable and, at the same time, he shall serve a copy on the clerk of petty sessions.

- (3) A violent offences prevention order shall be in Form 2.
- (4) An interim violent offences prevention order shall be in Form 3.

Application for variation, renewal or discharge

3. A summons issued on foot of a complaint for—
- (a) the variation, renewal or discharge of a violent offences prevention order under section 60 of the Act; or
 - (b) the variation or discharge of an interim violent offences prevention order under sections 60 and 61(7) of the Act;

shall be made in Form 4, and such proceedings shall be in a court of summary jurisdiction.

Service of documents

- 4.—(1) Subject to paragraph (2), service of a summons under these Rules may be effected—
- (a) by a member of the Police Service of Northern Ireland serving a copy of the summons on the defendant in person; or
 - (b) by sending a copy of the summons by ordinary post to the defendant at his last-known address (in which cases the summons shall be deemed to have been received by him in the ordinary course of post, unless the defendant proves that he did not receive it).

(2) In the case of a summons on foot of a complaint for the variation, renewal or discharge of an order specified in Rule 3 issued by the defendant mentioned in that order, service shall be effected in accordance with paragraphs (2), (6) and (7) of Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984^{M3} by delivering a copy of the summons to any police station^{F1}... and leaving a copy with the officer in charge or any other constable.

(3) Where the court makes a violent offences prevention order or an interim violent offences prevention order, the clerk of petty sessions shall serve a copy of that order on the defendant—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary post to the defendant at his last-known address (in which case the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it).

(4) Where the court makes an order varying, renewing or discharging an order specified in Rule 3, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied, renewed or discharged—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary post to the defendant at either his last known address or any address which is currently notified by him under Part 8 of the Act (in which cases the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it).

(5) In paragraph (4), a reference to the defendant is a reference to the defendant in the proceedings in which the order was originally made.

F1 Words in rule 4(2) omitted (coming into operation in accordance with rule 2) by virtue of [The Magistrates' Courts \(Miscellaneous Amendments\) Rules \(Northern Ireland\) 2016 \(S.R. 2016/303\)](#), [rules 2, 37](#); [S.R. 2016/387](#), [art. 2\(a\)](#) (with art. 3)

Marginal Citations

M3 [S.R. 1984 No. 225](#); to which the most recent relevant amendments are [S.R. 2009 No. 12](#), [S.R. 2009 No. 310](#), [S.R. 2011 No. 59](#), [S.R. 2011 No. 418](#), [S.R. 2012 No. 189](#), [S.R. 2012 No. 415](#), [S.R. 2013 No. 89](#), [S.R. 2014 No. 12](#), [S.R. 2014 No. 221](#).

*William A McNally
Marc Little
Peter Luney
Eoghan McKenna
Cathy Hughes*

In exercise of the powers conferred upon me in Article 13 of the Magistrates' Court (Northern Ireland) Order 1981 and after consultation with the Lord Chief Justice, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 2nd March 2016

L.S.

David Ford
Minister of Justice

Changes to legislation: There are currently no known outstanding effects for the The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016. (See end of Document for details)

SCHEDULE

Rule 2(1)

“Form 1

JUSTICE ACT (NORTHERN IRELAND) 2015

THE MAGISTRATES' COURTS (VIOLENT OFFENCES PREVENTION ORDERS) RULES (NORTHERN IRELAND) 2016

(Sections 57 and 61, Rule 2(1))

Summons on foot of complaint for [violent offences prevention order] [and] [interim violent offences prevention order]

of
Petty Sessions District of
Complainant

of
County Court Division of
Defendant

Whereas a complaint has been made before me in respect of an application for [a violent offences prevention order] [and] [an interim violent offences prevention order] to the following effect, viz –

That you, the above-named defendant are a qualifying offender by virtue of the following facts –
Details of offence:

If committed abroad, the corresponding offence this would have constituted if the act had been done in the United Kingdom is:

Date of [conviction] [finding] [caution]

Details of court/police station:

And it is alleged that you have since the date of the above conviction, finding or caution, acted in such a way as to give reasonable cause to believe that a violent offences prevention order under section 57 of the Justice Act (Northern Ireland) 2015 is necessary to protect the public from the risk of serious violent harm caused by you.

Short description of acts, including date(s) and further comments:

[Additional information relating to an application for an interim violent offences order:]

Accordingly, application is made for a [violent offences prevention order] [and] [an interim violent offences prevention order] containing the following requirements and prohibition(s), namely:

THIS IS TO COMBAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction.

This day of 20 .
Lay Magistrate
[District Judge (Magistrates' Courts)]

To the said defendant

Note:
Where the court is satisfied that this summons was served on you within what appears to the court to be reasonable time before the hearing or adjourned hearing, it may proceed in your absence.

If you wish to dispute that the offence referred to in this summons is a 'relevant offence' within the meaning of the Justice Act (Northern Ireland) 2015, you must, not less than 3 days before the date on which the matter is to be heard serve notice under section 58(6) of the Act on the complainant, and at the same time, serve a copy thereof on the clerk of petty sessions.

Should a violent offences prevention order or an interim violent offences prevention order be made against you, you would be subject to the prohibitions and/or requirements made in it. You would be subject also to the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015 which would mean that you must report to a prescribed police station within three days of service on you of the violent offences prevention order or interim violent offences prevention order and notify the police of your name(s), date of birth, national insurance number, home address and any other address in the UK where you regularly reside (together with (insert details of any further notification requirements prescribed by regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)). Thereafter if you are the subject of a violent offences prevention order, you would be required to notify the police of this information on a yearly basis regardless of whether or not your circumstances have changed.

If you do not have a sole or main residence in the United Kingdom, you would be required to notify the police of one or any addresses or locations in the United Kingdom where you can regularly be found and thereafter to notify the police of this information [(insert details of how often this is required if so prescribed, in regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)].

You would also be required to notify the police of, within 3 days:
• any changes to the information you provided at initial notification, including use by you of a name not previously notified to the police or a change of your home address;

Changes to legislation: There are currently no known outstanding effects for the The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016. (See end of Document for details)

- the address of any premises not previously notified to the police at which you stay or reside for more than a period of 7 days or two or more periods totalling seven days in any twelve months, and
- your release, if you are in custody.

In addition to the notification requirements listed above, where you intend to be absent from your home address for more than three days, you would be required to notify the police of the following and any subsequent changes to the following, not less than twelve hours before leaving your home address:

- the date of your departure,
 - such details as you may hold about your travel and accommodation arrangements; and
 - the date of your return to your home address.
- [(insert details of any further notification requirements prescribed by regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)]

Police Service of Northern Ireland Headquarters will be able to explain these conditions to you in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

A list of police stations in Northern Ireland prescribed for the purpose of Part 8 of the Justice Act (Northern Ireland) 2015 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

If, without reasonable excuse, you did anything you were prohibited from doing or failed to do anything you were required to do by a violent offences prevention order or an interim violent offences prevention order, or if you failed to comply with the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015, you would be liable to imprisonment for a term not exceeding 6 months on summary conviction or 5 years on indictment.

Rule 2(3)

Form 2

JUSTICE ACT (NORTHERN IRELAND) 2015

THE MAGISTRATES' COURTS (VIOLENT OFFENCES PREVENTION ORDERS) RULES (NORTHERN IRELAND) 2016

(Section 57, Rule 2(3))

Violent Offences Prevention Order

of _____
Petty Sessions District of _____
Complainant
of _____
County Court Division of _____
Defendant

It is adjudged that the defendant is a qualifying offender by reason of the following –

Details of offence:

If committed abroad, the corresponding offence this would have constituted if the act had been done in the United Kingdom

Date of [conviction] [finding] [caution]:

Details of court/police station:

And it is adjudged that the defendant's behaviour since the date of the above conviction, finding or caution, makes it necessary to make a violent offences prevention order under section 57 of the Justice Act (Northern Ireland) 2015 to protect the public from the risk of serious violent harm caused by him.

Short description of acts, including date(s) and further comments:

IT IS ORDERED that the defendant (specify details of prohibitions and/or requirements imposed):

Until (date not less than 2 years and not more than 5 years from the date or order or further order).

And while this order (as renewed from time to time) has effect, the defendant shall be subject to the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015 and the 'relevant date' within the meaning of that Part is the date of service of this order.

This _____ day of _____ 20____
_____ District Judge (Magistrates' Courts)
[Clerk of Petty Sessions]

Note:

You are subject to the prohibitions and/or requirements in this violent offences prevention order. You are subject also to the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015 which mean that you must report to a prescribed station within three days of service on you or this order and notify the police of your name(s), date of birth, national insurance number, home address and any other address in the UK where you regularly reside [together with (insert details of any further notification requirements prescribed by regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)]. Thereafter, you are required to notify the police of this information on a yearly basis regardless of whether or not your circumstances have changed.

If you do not have sole or main residence in the United Kingdom, you are required to notify the police of one of any addresses or locations in the United Kingdom where you can regularly be found and thereafter to notify the police of this information [(insert details of how often this is required if so prescribed, in regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)].

You are required also to notify the police of, within 3 days:

- any changes to the information you provided at initial notification, including use by you of a name not previously notified to the police or a change of your home address;
- the address of any premises not previously notified to the police at which you stay or reside for more than a period of 7 days or two or more periods totalling seven days in any twelve months, and
- your release, if you are in custody.

In addition to the notification requirements listed above, where you intend to be absent from your home address for more than three days, you are required to notify the police of the following and any subsequent changes to the following, not less than twelve hours before leaving your home address:

- the date of your departure,
 - such details as you may hold about your travel and accommodation arrangements; and
 - the date of your return to your home address.
- [(insert details of any further notification requirements prescribed by regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)]

Police Service of Northern Ireland Headquarters will be able to explain these conditions to you in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

Changes to legislation: There are currently no known outstanding effects for the The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016. (See end of Document for details)

A list of the police stations in Northern Ireland prescribed for the purpose of Part 8 of the Justice Act (Northern Ireland) 2015 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

If, without reasonable excuse, you do anything you are prohibited from doing or fail to do anything you are required to do by this violent offences prevention order, or if you fail to comply with the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015, you will be liable to imprisonment for a term not exceeding 6 months on summary conviction or 5 years on indictment.

Rule 2(4)

Form 3

JUSTICE ACT (NORTHERN IRELAND) 2015

THE MAGISTRATES' COURTS (VIOLENT OFFENCES PREVENTION ORDERS) RULES (NORTHERN IRELAND) 2016

(Section 57, Rule 2(4))

Interim Violent Offences Prevention Order

of
Complainant
Petty Sessions District of
of
County Court Division of
Defendant

An application for a violent offences prevention order has been made by the complainant and that application has not yet been determined.

The court considers it just to make an interim violent offences prevention order

Short description of acts, including date(s) and further comments:

IT IS ORDERED that the defendant (specify details of prohibitions and/or requirements imposed):

From the date of service of this order [for a period of] [until]]

And while this order has effect, the defendant shall be subject to the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015 and the "relevant date" within the meaning of that Part to the date of service of this order.

This day of 20
District Judge (Magistrates' Courts)
[Clerk of Petty Sessions]

Note:

You are subject to the prohibitions and/or requirements in this interim violent offences prevention order. You are subject also to the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015 which mean that you must report to a prescribed police station within three days of service on you of this order and notify the police of your name(s), date of birth, national insurance number, home address and any other address in the UK where you regularly reside [together with (insert details of any further notification requirements prescribed by regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise)].

If you do not have a sole or main residence in the United Kingdom, you are required to notify the police of one of any addresses or locations in the United Kingdom where you can regularly be found.

You are required also to notify the police, of within 3 days:

- any changes to the information you provided at initial notification, including use by you of a name not previously notified to the police or a change of your home address;
- the address of any premises not previously notified to the police at which you stay or reside for more than a period of 7 days or two or more periods totalling seven days in any twelve months; and
- your release, if you are in custody.

In addition to the notification requirements listed above, where you intend to be absent from your home address for more than three days, you are required to notify the police of the following and any subsequent changes to the following, not less than twelve hours before leaving your home address:

- the date of your departure;
- such details as you may hold about your travel and accommodation arrangements; and
- the date of your return to your home address
- [insert details of any further notification requirements prescribed by regulations made by the Department of Justice under Part 8 of the Justice Act (Northern Ireland) 2015 or otherwise].

Police Service of Northern Ireland Headquarters will be able to explain these conditions to you in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

A list of police stations in Northern Ireland prescribed for the purpose of Part 8 of the Justice Act (Northern Ireland) 2015 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

If, without reasonable excuse, you do anything you are prohibited from doing or fail to do anything you are required to do by this interim violent offences prevention order, or if you fail to comply with the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015, you will be liable to imprisonment for a term not exceeding 6 months on summary conviction or 5 years on indictment.

Changes to legislation: There are currently no known outstanding effects for the The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016. (See end of Document for details)

Rule 3

Form 4

JUSTICE ACT (NORTHERN IRELAND) ACT 2015

THE MAGISTRATES' COURTS (VIOLENT OFFENCES PREVENTION ORDERS) RULES (NORTHERN IRELAND) 2016

(Sections 60 and 61, Rule 3)

Summons on foot of complaint for [variation] [renewal] [discharge] of [violent offences prevention order] [interim violent offences prevention order]

of
Petty Sessions District of

Complainant

of
County Court Division of

Defendant

WHEREAS [a violent offences prevention order] [an interim violent offences prevention order] (a copy of which is attached to this summons) was made against the defendant mentioned in that order on the day of 20 .

And the complainant, who was the [complainant] [defendant] in those proceedings now applies by complaint for the [variation] [renewal] [discharge] of the said order on the grounds that (specify grounds)

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction.

This day of 20 .

Lay Magistrate

[District Judge (Magistrates' Courts)]

To the said defendant

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules contain provisions relating to Part 8 of the Justice Act (Northern Ireland) 2015 (2015 c.9) which makes provision in relation to violent offences prevention orders.

Rule 2 prescribes the procedure for an application for a violent offences prevention order and an interim violent offences prevention order.

Rule 3 prescribes the procedure for an application for variation renewal or discharge of a violent offences prevention order or for the variation or discharge of an interim violent offences prevention order.

Rule 4 prescribes the manner in which a summons or an order required to be served under these Rules may be served.

Changes to legislation:

There are currently no known outstanding effects for the The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016.