

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 7: Violent offender orders

Section 101: Making of violent offender orders

606. This section sets out the conditions which must be met before a court can make a violent offender order.
607. Under *subsection (2)* a court can only make a VOO where it is satisfied that the person has been heard if he wishes to be and that the conditions in *subsection (3)* are met.
608. *Subsection (3)* specifies that before a VOO can be made the court must be satisfied that the person is a “qualifying offender” as defined in section 99 and that the person has, since the appropriate date, acted in such a way as to make it necessary to make a violent offender order for the purpose of protecting the public from the current risk of serious harm caused by the person.
609. *Subsection (4)* specifies that before a VOO can be awarded the court must also have regard to whether the person would, at any time when such an order would be in force, be subject to any other legislative measures that would operate to protect the public from the risk of such harm.
610. *Subsection (5)* ensures that a VOO cannot come into force at any time when the offender is subject to a custodial sentence, is on licence or is subject to a hospital order or a supervision order made in respect of any offence.
611. *Subsection (6)* enables an order to be applied for or made at such a time as described in *subsection (4)*.