



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7

#### VIOLENT OFFENDER ORDERS

##### *Violent offender orders*

#### **104 Interim violent offender orders**

- (1) This section applies where an application under section 100 (“the main application”) has not yet been determined.
- (2) An application for an order under this section (“an interim violent offender order”) may be made—
  - (a) by the complaint by which the main application is made, or
  - (b) if the main application has already been made to a court, by means of a further complaint made to that court by the person making the main application.
- (3) If it appears to the court—
  - (a) that the person to whom the main application relates (“P”) is a qualifying offender,
  - (b) that, if the court were determining that application, it would be likely to make a violent offender order in respect of P, and
  - (c) that it is desirable to act before that application is determined, with a view to securing the immediate protection of the public from the risk of serious violent harm caused by P,

the court may make an interim violent offender order in respect of P that contains such prohibitions, restrictions or conditions as it considers necessary for the purpose of protecting the public from the risk of such harm.

- (4) The reference in subsection (3) to prohibitions, restrictions or conditions is to prohibitions, restrictions or conditions authorised by section 102 in the case of a violent offender order.
- (5) But an interim violent offender order may not be made so as to come into force at any time when the person—
  - (a) is subject to a custodial sentence for any offence,
  - (b) is on licence for part of the term of such a sentence, or
  - (c) is subject to a hospital order or a supervision order made in respect of any offence.
- (6) An interim violent offender order—
  - (a) has effect only for such period as is specified in the order, and
  - (b) ceases to have effect (if it has not already done so) at the appropriate time.
- (7) “The appropriate time” means—
  - (a) if the court grants the main application, the time when a violent offender order made in pursuance of it comes into force;
  - (b) if the court decides not to grant the main application or it is withdrawn, the time when the court so decides or the application is withdrawn.
- (8) Section 103 applies in relation to the variation or discharge of an interim violent offender order as it applies in relation to the variation or discharge of a violent offender order, but with the omission of subsection (7).