



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 7

VIOLENT OFFENDER ORDERS

Violent offender orders

99 Qualifying offenders

- (1) In this Part “qualifying offender” means a person aged 18 or over who is within subsection (2) or (4).
- (2) A person is within this subsection if (whether before or after the commencement of this Part)—
 - (a) the person has been convicted of a specified offence and either—
 - (i) a custodial sentence of at least 12 months was imposed for the offence, or
 - (ii) a hospital order was made in respect of it (with or without a restriction order),
 - (b) the person has been found not guilty of a specified offence by reason of insanity and subsection (3) applies, or
 - (c) the person has been found to be under a disability and to have done the act charged in respect of a specified offence and subsection (3) applies.
- (3) This subsection applies in the case of a person within (2)(b) or (2)(c) if the court made in respect of the offence—
 - (a) a hospital order (with or without a restriction order), or
 - (b) a supervision order.
- (4) A person is within this subsection if, under the law in force in a country outside England and Wales (and whether before or after the commencement of this Part)—

Status: This is the original version (as it was originally enacted).

- (a) the person has been convicted of a relevant offence and either—
 - (i) a sentence of imprisonment or other detention for at least 12 months was imposed for the offence, or
 - (ii) an order equivalent to that mentioned in subsection (3)(a) was made in respect of it,
 - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the person was not guilty by reason of insanity, and has made in respect of the offence an order equivalent to one mentioned in subsection (3), or
 - (c) such a court has, in respect of a relevant offence, made a finding equivalent to a finding that the person was under a disability and did the act charged in respect of the offence, and has made in respect of the offence an order equivalent to one mentioned in subsection (3).
- (5) In subsection (4) “relevant offence” means an act which—
- (a) constituted an offence under the law in force in the country concerned, and
 - (b) would have constituted a specified offence if it had been done in England and Wales.
- (6) An act punishable under the law in force in a country outside England and Wales constitutes an offence under that law for the purposes of subsection (5) however it is described in that law.
- (7) Subject to subsection (8), on an application under section 100 the condition in subsection (5)(b) (where relevant) is to be taken as met in relation to the person to whom the application relates (“P”) unless, not later than rules of court may provide, P serves on the applicant a notice—
- (a) denying that, on the facts as alleged with respect to the act in question, the condition is met,
 - (b) giving the reasons for denying that it is met, and
 - (c) requiring the applicant to prove that it is met.
- (8) If the court thinks fit, it may permit P to require the applicant to prove that the condition is met even though no notice has been served under subsection (7).