



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7

#### VIOLENT OFFENDER ORDERS

##### *Violent offender orders*

#### **101 Making of violent offender orders**

- (1) This section applies where an application is made to a magistrates' court under section 100 in respect of a person ("P").
- (2) After hearing—
  - (a) the applicant, and
  - (b) P, if P wishes to be heard,the court may make a violent offender order in respect of P if it is satisfied that the conditions in subsection (3) are met.
- (3) The conditions are—
  - (a) that P is a qualifying offender, and
  - (b) that P 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 risk of serious violent harm caused by P.
- (4) When deciding whether it is necessary to make such an order for that purpose, the court must have regard to whether P would, at any time when such an order would be in force, be subject under any other enactment to any measures that would operate to protect the public from the risk of such harm.
- (5) A violent offender order may not be made so as to come into force at any time when P—

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*Status: This is the original version (as it was originally enacted).*

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- (a) is subject to a custodial sentence imposed in respect of 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) But such an order may be applied for, and made, at such a time.