

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: Violent Offences Prevention Orders

Notification requirements

Section 64: Offenders subject to notification requirements

This section provides that those subject to a VOPO, or an interim VOPO, will also be subject to notification requirements.

Section 65: Notification requirements: initial notification

This section sets out the information which a person must provide to police when he or she first makes a notification, and the timescales within which he or she is required to provide that information. The required information includes (but is not restricted to): the person's name; date of birth; home address; and national insurance number. Where the person is homeless, or has no fixed abode, they must notify an address, or location, where they can be regularly found.

Information must be provided to the police within three days of the main or interim VOPO coming into force. When determining the three day period, any time when a person is: remanded in, or is committed to, custody by an order of a court; serving a custodial sentence; detained in a hospital; or is outside the United Kingdom, is to be disregarded.

It also allows for the inclusion of additional information to be provided to the list of required information. This would be prescribed by regulations made by the Department (subject to the affirmative resolution procedure).

Section 66: Notification requirements: changes

This section stipulates that the person must notify police of any changes made to the information initially provided.. This must be done within a three day period from the date when the change occurs. It also allows the person to notify the police before a change to the information occurs. This advance notification must include the date when the change is expected to occur.

Changes to information includes: the use of a name not previously notified; a new home address; any premises in the United Kingdom where they have stayed for a qualifying period (and which has not already notified to the police); any change relating to the address of any other premises in the United Kingdom at which they regularly reside or stay; a change to any other details prescribed by regulations made by the Department; and when they have been released from custody, or discharged from hospital detention.

A qualifying period is defined as a period of seven days, or two or more periods, in any twelve months, which taken together amount to seven days.

Section 67: Notification requirements: periodic notification

This section requires the person to re-notify information provided to police at initial notification, within a defined period.

Where no changes have been made by the person since their initial notification, they would be required to re-notify the required information annually effective from the date of their initial notification. However, where changes have been made to the information subsequently, the annual re-notification date would, instead, be effective from the date they notified information changes to police.

Where the effective date ends whilst the offender is: remanded in or committed to custody by an order of a court; serving a custodial sentence; detained in a hospital; or is outside the United Kingdom, they would be required to re-notify three days from their release, discharge, or return.

It also provides that those who do not have a sole or main residence in the United Kingdom may be subject to a different frequency of notification requirements. This would be prescribed by regulations made by the Department (subject to the affirmative resolution procedure).

This provision does not apply to those subject to an interim order.

Section 68: Notification requirements: absence from notified residence

This section requires the person to notify the police in advance, if they intend to leave their registered home address for more than three days to travel elsewhere in the United Kingdom, but where they are not intending to reside at another address which has been, or must be, notified under these provisions.

Section 64: Notification requirements: travel outside the United Kingdom

This section provides the Department with the ability to make regulations (subject to the affirmative resolution procedure), setting out notification requirements for those who wish to travel outside the United Kingdom. The regulations would oblige such persons to notify certain details concerning their travel plans to the police.

Section 70: Method of notification and related matters

This section establishes how notification is to be made. It stipulates that the person must notify the police of the required information by attending a police station prescribed in regulations made by the Department under section 87(1) (a) of the Sexual Offences Act 2003. The information should be given orally and must be acknowledged by police in writing. It also allows police to take the person's fingerprints and photograph for verification purposes, as may be required.

It also provides that where the relevant fingerprints taken provide a complete and up to date set of fingerprints and are of better quality than those held for the offender under the Police and Criminal Evidence (Northern Ireland) Order 1989, those taken for the purpose of notification can be retained by police for the individual. The fingerprints of poorer quality must be destroyed.

It stipulates that photographs taken for notification purposes are destroyed once the offender ceases to be subject to notification requirements, but allows the Chief Constable to apply to the court for an extension of photograph retention for a period of two years, following the end of the notification period. The Chief Constable and the offender can appeal against a court order given to extend the period of retention, or a refusal by the court to make an order.