



2015 CHAPTER 9

PART 8

VIOLENT OFFENCES PREVENTION ORDERS

Supplementary

Offences

71.—(1) If a person fails, without reasonable excuse, to comply with any prohibition or requirement contained in—

- (a) a violent offences prevention order, or
- (b) an interim violent offences prevention order,

the person commits an offence.

(2) If a person fails, without reasonable excuse, to comply with—

- (a) section 65(1), 66(1) or (6)(b), 67(1), 68(2) or (6) or 70(3), or
- (b) any requirement imposed by regulations made under section 69(1),

the person commits an offence.

(3) If a person notifies to the police, in purported compliance with—

- (a) section 65(1), 66(1), 67(1) or 68(2) or (6), or
- (b) any requirement imposed by regulations made under section 69(1),

any information which the person knows to be false, the person commits an offence.

(4) As regards an offence under subsection (2), so far as it relates to non-compliance with—

- (a) section 65(1), 66(1), 67(1) or 68(2) or (6), or
- (b) any requirement imposed by regulations made under section 69(1),

a person commits such an offence on the first day on which the person first fails, without reasonable excuse, to comply with the provision mentioned in paragraph (a) or (as the case may be) the requirement mentioned in paragraph (b), and continues to commit it throughout any period during which the failure continues.

(5) But a person must not be prosecuted under subsection (2) more than once in respect of the same failure.

(6) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

Supply of information to relevant Northern Ireland departments or Secretary of State

72.—(1) This section applies to information notified to the police under section 65(1), 66(1) or 67(1).

(2) The Chief Constable may, for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, supply information to which this section applies to—

- (a) a relevant Northern Ireland department,
- (b) the Secretary of State, or
- (c) a person providing services to a relevant Northern Ireland department or the Secretary of State in connection with a relevant function,

for use for the purpose of verifying the information.

(3) In relation to information supplied to any person under subsection (2), the reference to verifying the information is a reference to—

- (a) checking its accuracy by comparing it with information held—
 - (i) where the person is a relevant Northern Ireland department or the Secretary of State, by that department or the Secretary of State in connection with the exercise of a relevant function, or
 - (ii) where the person is within subsection (2)(c), by that person in connection with the provision of services as mentioned there, and
- (b) compiling a report of that comparison.

(4) Subject to subsection (5), the supply of information under this section is to be taken not to breach any restriction on the disclosure of information (however arising).

(5) This section does not authorise the doing of anything that contravenes the Data Protection Act 1998.

(6) This section does not affect any power to supply information that exists apart from this section.

(7) In this section—

“relevant Northern Ireland department” means the Department for Employment and Learning, the Department of the Environment or the Department for Social Development;

“relevant function” means—

- (a) in relation to the Department for Employment and Learning, a function relating to employment or training;
- (b) in relation to the Department of the Environment, a function under Part 2 of the Road Traffic (Northern Ireland) Order 1981;
- (c) in relation to the Department for Social Development, a function relating to social security or child support;
- (d) in relation to the Secretary of State, a function relating to passports.

Supply of information by relevant Northern Ireland departments or Secretary of State

73.—(1) A report compiled under section 72 may be supplied to the Chief Constable by—

- (a) the relevant Northern Ireland department,
- (b) the Secretary of State, or
- (c) a person within section 72(2)(c).

(2) Such a report may contain any information held—

- (a) by the relevant Northern Ireland department or the Secretary of State in connection with the exercise of a relevant function, or
- (b) by a person within section 72(2)(c) in connection with the provision of services as mentioned there.

(3) Where such a report contains information within subsection (2), the Chief Constable—

- (a) may, subject to subsections (4) to (8), retain the information, whether or not used for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, and

(b) may use the information for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(4) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless it is retained by virtue of an order under subsection (5).

(5) The Chief Constable may apply to a District Judge (Magistrates' Court) for an order extending the period for which the information may be retained.

(6) An application for an order under subsection (5) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(7) An order under subsection (5) may extend the period for which the information may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(8) The following persons may appeal to the county court against an order under subsection (5), or a refusal to make such an order—

- (a) the Chief Constable;
- (b) the person in relation to whom the order was sought.

(9) Subsections (4) to (7) of section 72 apply in relation to this section as they apply in relation to section 72.

Information about release or transfer

74.—(1) This section applies to an offender subject to notification requirements who is—

- (a) serving a custodial sentence; or
- (b) detained in a hospital.

(2) The Department may by regulations make provision requiring the person who is responsible for such an offender to give notice to specified persons—

- (a) of the fact that that person has become responsible for the offender; and
- (b) of any occasion when—
 - (i) the offender is released, or
 - (ii) a different person is to become responsible for the offender.

(3) In subsection (2) “specified persons” means persons specified, or of a description specified, in the regulations.

(4) The regulations may make provision for determining who is to be taken for the purposes of this section as being responsible for an offender.

Power of entry and search of offender's home address

75.—(1) If, on an application made by a police officer of the rank of superintendent or above, a lay magistrate is satisfied that the requirements in subsection (2) are met in relation to any premises, the lay magistrate may issue a warrant authorising a constable—

- (a) to enter the premises for the purpose of assessing the risks posed by the offender subject to notification requirements to whom the warrant relates; and
- (b) to search the premises for that purpose.

(2) The requirements are—

- (a) that the address of each set of premises specified in the application is an address falling within subsection (3);
- (b) that the offender is not one to whom subsection (4) applies;
- (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a);
- (d) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and
- (e) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.

(3) An address falls within this subsection if—

- (a) it is the address which was last notified in accordance with this Part by the offender to the police as the offender's home address; or
- (b) there are reasonable grounds to believe that the offender resides there or may regularly be found there.

(4) This subsection applies to an offender if the offender is—

- (a) remanded in or committed to custody by order of a court;
- (b) serving a custodial sentence;
- (c) detained in a hospital; or
- (d) outside the United Kingdom.

(5) A warrant issued under this section must specify the one or more sets of premises to which it relates.

(6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.

(7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is

necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).

(8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.

(9) In this section a reference to the offender subject to notification requirements to whom the warrant relates is a reference to the offender—

- (a) who has in accordance with this Part notified the police that the premises specified in the warrant are the offender's home address; or
- (b) in respect of whom there are reasonable grounds to believe that the offender resides there or may regularly be found there.

Interpretation of this Part

76.—(1) In this Part—

“country” includes territory;

“custodial sentence” means—

- (a) a sentence of imprisonment;
- (b) a sentence of detention in a young offenders centre;
- (c) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008;
- (d) a sentence of detention under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (e) an order under Article 39 of that Order sending the offender to a juvenile justice centre;
- (f) an order under Article 44A of that Order sending the offender to secure accommodation;
- (g) any other sentence under which a person is detained in custody;

“detained in a hospital” means detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986;

“home address” has the meaning given by section 65(4);

“interim violent offences prevention order” means an order made under section 61;

“qualifying offender” has the meaning given by section 58(1);

“specified offence” has the meaning given by section 55(3) and (4);

“violent offences prevention order” has the meaning given by section 55(1).

(2) References in this Part to “D” in relation to a violent offences prevention order, or an application for such an order, are references to the person in relation to whom the order has effect or is sought.

(3) References in this Part to protecting the public from the risk of serious violent harm caused by a person are to be read in accordance with section 55(2).

(4) References in this Part to a finding of the kind mentioned in section 58(2) (b) or (c) or (3)(b) or (c) include references to a case where a decision on appeal is to the effect that there should have been such a finding in the proceedings concerned.

(5) References in this Part to an offender subject to notification requirements are to be read in accordance with section 64.

(6) Reference in this Part to a conviction include references to a finding of a court in summary proceedings, where the court makes an order under Article 44(4) of the Mental Health (Northern Ireland) Order 1986 that the accused did the act charged.