



2015 CHAPTER 9

PART 8

VIOLENT OFFENCES PREVENTION ORDERS

Violent offences prevention orders

Violent offences prevention orders

55.—(1) A violent offences prevention order is an order made under section 56 or 57 in respect of a person (“D”) which—

- (a) contains such prohibitions or requirements authorised by section 59 as the court making the order considers necessary for the purpose of protecting the public from the risk of serious violent harm caused by D, and
- (b) has effect for such period of not less than 2, nor more than 5, years as is specified in the order (unless renewed or discharged under section 60).

(2) For the purposes of this Part any reference to protecting the public from the risk of serious violent harm caused by a person is a reference to protecting—

- (a) the public, or
- (b) any particular members of the public,

from a current risk of serious physical or psychological harm caused by that person committing one or more specified offences.

(3) In this Part “specified offence” means an offence for the time being listed in Part 1 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 (violent offences) [^{F1}or a relevant terrorism offence] .

[^{F2}(3A) In subsection (3), “relevant terrorism offence” means an offence under—

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- (a) section 54 of the Terrorism Act 2000 (weapons training);
 - (b) section 56 of that Act (directing a terrorist organisation);
 - (c) section 57 of that Act (possession of article for terrorist purposes);
 - (d) section 59 of that Act (inciting terrorism overseas);
 - (e) section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons);
 - (f) section 50 of that Act (assisting or inducing certain weapons-related acts overseas);
 - (g) section 113 of that Act (use of noxious substance or thing to cause harm or intimidate);
 - (h) section 5 of the Terrorism Act 2006 (preparation of terrorist acts);
 - (i) section 6 of that Act (training for terrorism);
 - (j) section 9 of that Act (making or possession of radioactive device or material);
 - (k) section 10 of that Act (misuse of radioactive device or material for terrorist purposes etc);
 - (l) section 11 of that Act (terrorist threats relating to radioactive devices etc).]
- (4) But the offence mentioned in paragraph 7 of [F3Part 1 of Schedule 2 to the 2008 Order] (assault occasioning actual bodily harm) is not a specified offence for the purposes of sections 56(2) or (3) or 58(2) or (3) unless—
- (a) it was committed against—
 - (i) a vulnerable adult (within the meaning of Article 2(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007);
 - (ii) a person under the age of 18; or
 - (iii) a person living in the same household as the offender; or
 - (b) the court in sentencing the offender for the offence treated the offence as aggravated by hostility (within the meaning of Article 2 of the Criminal Justice (No. 2) (Northern Ireland) Order 2004).

Textual Amendments

- F1** Words in s. 55(3) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 16(2)** (with s. 25(5))
- F2** S. 55(3A) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 16(3)** (with s. 25(5))
- F3** Words in s. 55(4) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 16(4)** (with s. 25(5))

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

Commencement Information

I1 S. 55 in operation at 1.12.2016 by [S.R. 2016/417](#), [art. 2\(a\)](#)

Violent offences prevention order made on conviction, etc.

56.—(1) A court may make a violent offences prevention order in respect of D where subsection (2) or (3) applies to D and the court is satisfied that it is necessary to make such an order for the purpose of protecting the public from the risk of serious violent harm caused by D.

(2) This subsection applies to D where the court deals with D in respect of a specified offence.

(3) This subsection applies to D where the court deals with D in respect of a finding—

- (a) that D is not guilty of a specified offence by reason of insanity, or
- (b) that D is unfit to plead and has done the act charged against D in respect of such an offence.

(4) Subsections (2) and (3) apply whether the specified offence was committed (or alleged to have been committed) before or after commencement.

Commencement Information

I2 S. 56 in operation at 1.12.2016 by [S.R. 2016/417](#), [art. 2\(b\)](#)

Violent offences prevention order made on application of Chief Constable

57.—(1) A court of summary jurisdiction may make a violent offences prevention order in respect of D where subsection (2) applies to D and the court is satisfied that D's behaviour since the appropriate date makes it necessary to make such an order for the purpose of protecting the public from the risk of serious violent harm caused by D.

(2) This subsection applies to D where—

- (a) an application under subsection (3) has been made to the court in respect of D, and
- (b) on the application, it is proved that D is a qualifying offender.

(3) The Chief Constable may by complaint apply for a violent offences prevention order to be made in respect of a person who resides in Northern Ireland or who the Chief Constable believes is in, or is intending to come to, Northern Ireland if it appears to the Chief Constable that—

- (a) the person is a qualifying offender, and

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- (b) the person has, since the appropriate date, acted in such a way as to give reasonable cause to believe that it is necessary for a violent offences prevention order to be made in respect of the person.
- (4) In this section “the appropriate date” means the date (or, as the case may be, the first date) on which the person became a person within any of paragraphs (a) to (c) of section 58(2) or (3).
- (5) On an application under subsection (3) in respect of D the court must—
 - (a) afford D an opportunity of making representations; and
 - (b) in deciding whether it is necessary to make a violent offences prevention order for the purpose of protecting the public from the risk of serious violent harm caused by D, have regard to whether D would, at any time when such an order would be in force, be subject under any other statutory provision to any measures that would operate to protect the public from the risk of such harm.

Commencement Information

I3 S. 57 in operation at 1.12.2016 by S.R. 2016/417, art. 2(c)

Qualifying offenders

- 58.—**(1) In this Part “qualifying offender” means a person who is within subsection (2) or (3).
- (2) A person is within this subsection if (whether before or after commencement)—
- (a) the person has been convicted of a specified offence;
 - (b) the person has been found not guilty of a specified offence by reason of insanity, or
 - (c) the person has been found to be unfit to be tried and to have done the act charged in respect of a specified offence.
- (3) A person is within this subsection if, under the law in force in a country outside Northern Ireland (and whether before or after commencement)—
- (a) the person has been convicted of a relevant offence,
 - (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, or
 - (c) such a court has, in respect of a relevant offence, made a finding equivalent to a finding that the person was unfit to be tried and did the act charged in respect of the offence.
- (4) In subsection (3) “relevant offence” means an act which—

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- (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 Northern Ireland.

(5) An act punishable under the law in force in a country outside Northern Ireland constitutes an offence under that law for the purposes of subsection (4) however it is described in that law.

(6) Subject to subsection (7), on an application under section 57, the condition in subsection (4)(b) (where relevant) is to be taken as met in relation to the person to whom the application relates unless, not later than magistrates' court rules may provide, that person serves on the Chief Constable 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 Chief Constable to prove that it is met.

(7) If the court thinks fit, it may permit that person to require the Chief Constable to prove that the condition is met even though no notice has been served under subsection (6).

Commencement Information

I4 S. 58 in operation at 1.12.2016 by S.R. 2016/417, art. 2(d)

Provisions that violent offences prevention orders may contain

59.—(1) A violent offences prevention order may contain provisions prohibiting D from doing anything described in the order or requiring D to do anything described in the order (or both).

(2) The only prohibitions or requirements that may be included in the order are those necessary for the purpose of protecting the public from the risk of serious violent harm caused by D.

Commencement Information

I5 S. 59 in operation at 1.12.2016 by S.R. 2016/417, art. 2(e)

Variation, renewal or discharge of violent offences prevention orders

60.—(1) D or the Chief Constable may apply to the appropriate court—

- (a) for an order varying or discharging a violent offences prevention order;
- (b) for an order renewing a violent offences prevention order for such period of not more than 5 years as is specified in the renewal order.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

(2) Subject to subsections (3) to (5), on an application under this section the court may, after hearing—

- (a) the applicant, and
- (b) the other person mentioned in subsection (1), if that person wishes to be heard,

make such order varying, renewing or discharging the violent offences prevention order as the court considers appropriate.

(3) A violent offences prevention order may only be—

- (a) renewed, or
- (b) varied so as to impose additional prohibitions or requirements on D,

if the court considers that it is necessary to do so for the purpose of protecting the public from the risk of serious violent harm caused by D (and any renewed or varied order may contain only such prohibitions or requirements as the court considers necessary for this purpose).

(4) References in subsection (3) to prohibitions or requirements are to prohibitions or requirements authorised by section 59.

(5) The court may not discharge a violent offences prevention order before the end of the period of 2 years beginning with the date on which it comes into force unless consent to its discharge is given by D and the Chief Constable.

(6) In this section “the appropriate court” means—

- (a) where the violent offences prevention order was made under section 56 by (or on appeal from) the Crown Court, that court; and
- (b) in any other case, a court of summary jurisdiction.

(7) An application under this section may be made—

- (a) where the appropriate court is the Crown Court, in accordance with Crown Court rules;
- (b) in any other case by complaint under Part 7 of the Magistrates' Court (Northern Ireland) Order 1981 and in accordance with magistrates' court rules.

Commencement Information

I6 S. 60 in operation at 1.12.2016 by S.R. 2016/417, art. 2(f)

Interim violent offences prevention orders

61.—(1) This section applies where an application under section 57 (“the main application”) in respect of D has not yet been determined.

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(2) An application for an order under this section (“an interim violent offences prevention 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 Chief Constable.

(3) If it appears to the court—

- (a) that D is a qualifying offender,
- (b) that, if the court were determining that application, it would be likely to make a violent offences prevention order in respect of D, 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 D,

the court may make an interim violent offences prevention order in respect of that person that contains such prohibitions or requirements 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 or requirements is to prohibitions or requirements authorised by section 59 in the case of a violent offences prevention order.

(5) An interim violent offences prevention 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.

(6) “The appropriate time” means—

- (a) if the court grants the main application, the time when a violent offences prevention 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.

(7) Section 60 applies in relation to the variation or discharge of an interim violent offences prevention order as it applies in relation to the variation or discharge of a violent offences prevention order, but with the omission of subsection (5).

Commencement Information

I7 S. 61 in operation at 1.12.2016 by S.R. 2016/417, art. 2(g)

Notice of applications

62.—(1) This section applies to—

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- (a) any application under section 57 for a violent offences prevention order in respect of D,
 - (b) any application under section 61 for an interim violent offences prevention order in respect of D, and
 - (c) any application under section 60 for the variation, discharge or renewal of a violent offences prevention order made in respect of D, or for the variation or discharge of an interim violent offences prevention order so made.
- (2) A court may not begin hearing such an application unless it is satisfied that D has been given notice of—
- (a) the application, and
 - (b) the time and place of the hearing,
- a reasonable time before the hearing.

Commencement Information

18 S. 62 in operation at 1.12.2016 by S.R. 2016/417, art. 2(h)

Appeals

- 63.**—(1) D may appeal against the making of a violent offences prevention order under section 56—
- (a) where subsection (2) of that section applied to D, as if the order were a sentence passed on D for the offence;
 - (b) where subsection (3) (but not subsection (2)) of that section applied to D, as if D had been convicted of the offence and the order were a sentence passed on D for that offence.
- (2) D may appeal to the county court against—
- (a) the making of a violent offences prevention order under section 57;
 - (b) the making of an interim violent offences prevention order.
- (3) D may appeal against the making of an order under section 60 or the refusal to make such an order—
- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
 - (b) in any other case to the county court.
- (4) On an appeal under subsection (2) or (3)(b), the county court—
- (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
 - (b) may also make such incidental or consequential orders as appear to it to be just.

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Commencement Information

I9 S. 63 in operation at 1.12.2016 by S.R. 2016/417, art. 2(i)

Notification requirements

Offenders subject to notification requirements

64.—(1) References in the following provisions of this Part to an offender subject to notification requirements are references to an offender who is for the time being subject to a violent offences prevention order or an interim violent offences prevention order which is in force under this Part.

(2) Subsection (1) has effect subject to section 67(7) (which excludes from section 67 an offender subject to an interim violent offences prevention order).

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Commencement Information

I10 S. 64 in operation at 1.12.2016 by S.R. 2016/417, art. 2(j)

Notification requirements: initial notification

65.—(1) An offender subject to notification requirements must notify the required information to the police within the period of 3 days beginning with the date on which the violent offences prevention order or the interim violent offences prevention order comes into force in relation to the offender (“the relevant date”).

(2) The “required information” is the following information about the offender—

- (a) date of birth;
- (b) national insurance number;
- (c) name on the relevant date or, if the offender used two or more names on that date, each of those names;
- (d) home address on the relevant date;
- (e) name on the date on which the notification is given or, if the offender used two or more names on that date, each of those names;
- (f) home address on the date on which the notification is given;
- (g) the address of any other premises in the United Kingdom at which on that date the offender regularly resides or stays;
- (h) any information prescribed by regulations made by the Department.

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- (3) When determining the period of 3 days mentioned in subsection (1), there is to be disregarded any time when the offender is—
- (a) remanded in or committed to custody by an order of a court;
 - (b) serving a custodial sentence;
 - (c) detained in a hospital; or
 - (d) outside the United Kingdom.
- (4) In this Part “home address” means in relation to the offender—
- (a) the address of the offender's sole or main residence in the United Kingdom, or
 - (b) if the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found or, if there is more than one such place, such one of them as the offender selects.

Commencement Information

- I11** S. 65(1)(2)(a)-(g)(3)(4) in operation at 1.12.2016 by S.R. 2016/417, **art. 2(k)**
- I12** S. 65(2)(h) in operation at 1.9.2015 by S.R. 2015/324, **art. 2(a)**

Notification requirements: changes

66.—(1) An offender subject to notification requirements must, within the period of 3 days beginning with the date on which any notifiable event occurs, notify to the police—

- (a) the required new information, and
 - (b) the information mentioned in section 65(2).
- (2) A “notifiable event” means—
- (a) the use by the offender of a name which has not been notified to the police under section 65 or this section;
 - (b) any change of the offender's home address;
 - (c) the expiry of any qualifying period during which the offender has resided or stayed at any premises in the United Kingdom the address of which has not been notified to the police under section 65 or this section;
 - (d) any prescribed change of circumstances; or
 - (e) the release of the offender from custody pursuant to an order of a court or from a custodial sentence or detention in a hospital.
- (3) The “required new information” is—
- (a) the name referred to in subsection (2)(a),
 - (b) the new home address (see subsection (2)(b)),

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- (c) the address of the premises referred to in subsection (2)(c),
- (d) the prescribed details, or
- (e) the fact that the offender has been released as mentioned in subsection (2)(e),

as the case may be.

(4) A notification under subsection (1) may be given before the notifiable event occurs, but in that case the offender must also specify the date when the event is expected to occur.

(5) If a notification is given in accordance with subsection (4) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by subsection (1).

(6) If a notification is given in accordance with subsection (4) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—

- (a) the notification does not affect the duty imposed by subsection (1), and
- (b) the offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.

(7) Section 65(3) applies to the determination of—

- (a) any period of 3 days for the purposes of subsection (1), or
- (b) any period of 6 days for the purposes of subsection (6),

as it applies to the determination of the period of 3 days mentioned in section 65(1).

(8) In this section—

- (a) “prescribed change of circumstances” means any change—
 - (i) occurring in relation to any matter in respect of which information is required to be notified by virtue of section 65(2)(h), and
 - (ii) of a description prescribed by regulations made by the Department;
- (b) “the prescribed details”, in relation to a prescribed change of circumstances, means such details of the change as may be so prescribed.

(9) In this section “qualifying period” means—

- (a) a period of 7 days, or
- (b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

Commencement Information

I13 S. 66(1)(2)(a)-(c)(e)(3)(a)-(c)(e)(4)-(9) in operation at 1.12.2016 by S.R. 2016/417, art. 2(I)

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- I14** S. 66(2)(d) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(j)
I15 S. 66(3)(d) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(j)

Notification requirements: periodic notification

67.—(1) An offender subject to notification requirements must, within the applicable period after each notification date, notify to the police the information mentioned in section 65(2), unless the offender has already given a notification under section 66(1) within that period.

(2) A “notification date” means, in relation to the offender, the date of any notification given by the offender under section 65(1) or 66(1) or subsection (1).

(3) Where the applicable period would (apart from this subsection) end while subsection (4) applies, that period is to be treated as continuing until the end of the period of 3 days beginning with the date on which subsection (4) first ceases to apply.

(4) This subsection applies if the offender is—

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

(5) In this section “the applicable period” means—

- (a) in any case where subsection (6) applies, such period as may be prescribed by regulations made by the Department, and
- (b) in any other case, the period of one year.

(6) This subsection applies if the last home address notified by the offender under section 65(1) or 66(1) or subsection (1) was the address or location of such a place as is mentioned in section 65(4)(b).

(7) Nothing in this section applies to an offender who is subject to an interim violent offences prevention order.

Commencement Information

- I16** S. 67(1)-(4)(5)(b)(6)(7) in operation at 1.12.2016 by S.R. 2016/417, art. 2(m)
I17 S. 67(5)(a) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(k)

Notification requirements: absence from notified residence

68.—(1) This section applies to an offender subject to notification requirements at any time if the last home address notified by the offender under

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section 65(1), 66(1) or 67(1) was an address in Northern Ireland such as is mentioned in section 65(4)(a) (sole or main residence).

(2) If the offender intends to be absent from that home address for a period of more than 3 days (“the relevant period”), the offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).

(3) The information is—

- (a) the date on which the offender will leave that home address;
- (b) such details as the offender holds about—
 - (i) the offender's travel arrangements during the relevant period;
 - (ii) the offender's accommodation arrangements during that period;
 - (iii) the offender's date of return to that address.

(4) In this section—

“travel arrangements” include, in particular, the means of transport to be used and the dates of travel,

“accommodation arrangements” include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.

(5) Where—

- (a) an offender has given a notification under subsection (2), and
- (b) at any time before that mentioned in that subsection, the information notified becomes inaccurate or incomplete,

the offender must give a further notification under subsection (2).

(6) Where an offender—

- (a) has notified a date of return to the offender's home address, but
- (b) returns to that home address on a date other than that notified,

the offender must notify the date of the offender's actual return to the police within 3 days of the actual return.

(7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 69.

(8) In calculating the relevant period for the purposes of this section there is to be disregarded—

- (a) any period or periods which the offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in section 65(2)(g) notified to the police under section 65(1), 66(1) or 67(1);
- (b) any period or periods which the offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would

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give rise to a requirement to notify the address of those premises under section 66(2)(c).

Commencement Information

I18 S. 68 in operation at 1.12.2016 by S.R. 2016/417, art. 2(n)

Notification requirements: travel outside the United Kingdom

69.—(1) The Department may by regulations make provision with respect to offenders subject to notification requirements, or any description of such offenders—

- (a) requiring such persons, before they leave the United Kingdom, to give in accordance with the regulations a notification under subsection (2);
- (b) requiring such persons, if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under subsection (3).

(2) A notification under this subsection must disclose—

- (a) the date on which the offender proposes to leave the United Kingdom;
- (b) the country (or, if there is more than one, the first country) to which the offender proposes to travel and the proposed point of arrival (determined in accordance with the regulations) in that country;
- (c) any other information prescribed by the regulations which the offender holds about the offender's departure from or return to the United Kingdom, or about the offender's movements while outside the United Kingdom.

(3) A notification under this subsection must disclose any information prescribed by the regulations about the offender's return to the United Kingdom.

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I19 S. 69(1) in operation at 1.9.2015 by S.R. 2015/324, art. 2(b)

I20 S. 69(2) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(l)

I21 S. 69(3) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, art. 2(l)

Method of notification and related matters

70.—(1) An offender gives a notification to the police under section 65(1), 66(1), 67(1) or 68(2) or (6) by—

- (a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1)(a) of the Sexual Offences Act 2003, and

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- (b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.
- (2) Any notification given in accordance with this section must be acknowledged; and the acknowledgement must be—
- (a) in writing, and
 - (b) in such form as the Department may direct.
- (3) Where a notification is given under section 65(1), 66(1), 67(1) or 68(2) or (6), the offender must, if requested to do so by the police officer or other person mentioned in subsection (1)(b), allow that officer or person to—
- (a) take the offender's fingerprints,
 - (b) photograph any part of the offender, or
 - (c) do both of those things.
- (4) Fingerprints and photographs taken from an offender under this section—
- (a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and
 - (b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.
- (5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).
- (6) Subsection (7) applies where—
- (a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;
 - (b) fingerprints have also subsequently been taken from that person under this section; and
 - (c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person's fingerprints or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.
- (7) Where this subsection applies—
- (a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6) (a); and
 - (b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.

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(8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).

(9) The Chief Constable may apply to a District Judge (Magistrates' Courts) for an order extending the period for which photographs taken under this section may be retained.

(10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—

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

(13) In this section—

- (a) “photograph” includes any process by means of which an image may be produced; and
- (b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.

Commencement Information

I22 S. 70 in operation at 1.12.2016 by S.R. 2016/417, art. 2(o)

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

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

- (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.

Commencement Information

I23 S. 71 in operation at 1.12.2016 by S.R. 2016/417, art. 2(p)

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

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

(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 [F⁴the data protection legislation] .

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

(7) In this section—

[F⁵“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]

“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.

Textual Amendments

F⁴ Words in s. 72(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\)](#), [Sch. 19 para. 196\(2\)](#) (with [ss. 117, 209, 210](#)); S.I. 2018/625, reg. 2(1)(g)

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

F5 Words in s. 72(7) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 196\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), [reg. 2\(1\)\(g\)](#)

Commencement Information

I24 S. 72 in operation at 1.12.2016 by [S.R. 2016/417](#), [art. 2\(q\)](#)

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—

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

- (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.

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Commencement Information

I25 S. 73 in operation at 1.12.2016 by S.R. 2016/417, art. 2(r)

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.

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Commencement Information

I26 S. 74 in operation at 1.12.2016 by S.R. 2016/417, art. 2(s)

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.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

- (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.

Commencement Information

I27 S. 75 in operation at 1.12.2016 by S.R. 2016/417, art. 2(t)

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.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8. (See end of Document for details)

(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.

Commencement Information

I28 S. 76 in operation at 1.12.2016 by S.R. 2016/417, art. 2(u)

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2015, PART 8.