

Status: Point in time view as at 01/12/2016.

Changes to legislation: Justice Act (Northern Ireland) 2015, Section 70 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



2015 CHAPTER 9

PART 8

VIOLENT OFFENCES PREVENTION ORDERS

Notification requirements

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
- (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—

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- (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.
- (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;

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- (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

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

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