



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7

#### VIOLENT OFFENDER ORDERS

##### *Notification requirements*

#### **107 Offenders subject to notification requirements**

- (1) References in this Part to an offender subject to notification requirements are references to an offender who is for the time being subject to—
  - (a) a violent offender order, or
  - (b) an interim violent offender order,which is in force under this Part.
- (2) Subsection (1) has effect subject to section 110(7) (which excludes from section 110 an offender subject to an interim violent offender order).

#### **108 Notification requirements: initial notification**

- (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—
  - (a) the violent offender order, or
  - (b) the interim violent offender 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;

---

*Status: This is the original version (as it was originally enacted).*

---

- (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 prescribed information.
- (3) In subsection (2)(h) “prescribed” means prescribed by regulations made by the Secretary of State.
- (4) 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 or kept in service custody;
  - (b) serving a sentence of imprisonment or a term of service detention;
  - (c) detained in a hospital; or
  - (d) outside the United Kingdom.
- (5) 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.

## **109 Notification requirements: changes**

- (1) An offender subject to notification requirements must notify to the police—
- (a) the required new information, and
  - (b) the information mentioned in section 108(2),
- within the period of 3 days beginning with the date on which any notifiable event occurs.
- (2) A “notifiable event” means—
- (a) the use by the offender of a name which has not been notified to the police under section 108 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 108 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 imprisonment, service detention 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)),
  - (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 108(4) 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 108(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 108(2)(h), and
    - (ii) of a description prescribed by regulations made by the Secretary of State;
  - (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.

## **110 Notification requirements: periodic notification**

- (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 108(2), unless the offender has already given a notification under section 109(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 108(1) or 109(1) or subsection (1) above.
- (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 or kept in service custody,
  - (b) serving a sentence of imprisonment or a term of service detention,
  - (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 Secretary of State, 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 108(1) or 109(1) or subsection (1) above was the address or location of such a place as is mentioned in section 108(5)(b).
- (7) Nothing in this section applies to an offender who is subject to an interim violent offender order.

#### **111 Notification requirements: travel outside United Kingdom**

- (1) The Secretary of State 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.

#### **112 Method of notification and related matters**

- (1) An offender gives a notification to the police under section 108(1), 109(1) or 110(1) by—
- (a) attending at any police station in the offender’s local police area, 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) An offender giving a notification under section 109(1)—
- (a) in relation to a prospective change of home address, or
  - (b) in relation to such premises as are mentioned in section 109(2)(c),

may also give the notification at a police station that would fall within subsection (1) (a) above if the change of home address had already occurred or (as the case may be) the premises in question were the offender's home address.

- (3) 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 Secretary of State may direct.
- (4) Where a notification is given under section 108(1), 109(1) or 110(1), the offender must, if requested to do so by the police officer or other person mentioned in subsection (1)(b) above, 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,
- in order to verify the offender's identity.
- (5) In this section—
- “local police area”, in relation to the offender, means—
    - (a) the police area in England and Wales in which the home address is situated,
    - (b) in the absence of a home address in England and Wales, the police area in England and Wales in which the home address last notified is situated, or
    - (c) in the absence of such a home address and any such notification, the police area in which the court that made the violent offender order (or, as the case may be, the interim violent offender order) is situated;
  - “photograph” includes any process by means of which an image may be produced.