



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7

#### VIOLENT OFFENDER ORDERS

##### *Violent offender orders*

#### **103 Variation, renewal or discharge of violent offender orders**

- (1) A person within subsection (2) may by complaint apply to the appropriate magistrates' court—
  - (a) for an order varying or discharging a violent offender order;
  - (b) for an order (a “renewal order”) renewing a violent offender order for such period of not more than 5 years as is specified in the renewal order.
- (2) The persons are—
  - (a) the offender,
  - (b) the chief officer of police who applied for the order,
  - (c) (if different) the chief officer of police for the area in which the offender resides, and
  - (d) (if different) a chief officer of police who believes that the offender is in, or is intending to come to, his police area.
- (3) The “appropriate magistrates' court” means the magistrates' court that made the order or (if different)—
  - (a) a magistrates' court for the area in which the offender resides, or
  - (b) where the application under this section is made by a chief officer of police, any magistrates' court whose commission area includes any part of the chief officer's police area.

*Status: Point in time view as at 03/08/2009.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Section 103 is up to date with all changes known to be in force on or before 06 January 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)*

- (4) On an application under this section the appropriate magistrates' court may, after hearing—
- (a) the applicant, and
  - (b) any other persons mentioned in subsection (2) who wish to be heard,
- make such order varying, renewing or discharging the violent offender order as the court considers appropriate.

But this is subject to subsections (5) to (7).

- (5) A violent offender order may only be—
- (a) renewed, or
  - (b) varied so as to impose additional prohibitions, restrictions or conditions on the offender,
- 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 the offender (and any renewed or varied order may contain only such prohibitions, restrictions or conditions as the court considers necessary for this purpose).
- (6) References in subsection (5) to prohibitions, restrictions or conditions are to prohibitions, restrictions or conditions authorised by section 102.
- (7) The court may not discharge the violent offender order before the end of the period of 2 years beginning with the date on which it comes into force under section 101 unless consent to its discharge is given by the offender and—
- (a) where the application under this section is made by a chief officer of police, by that chief officer, or
  - (b) where the application is made by the offender, by the chief officer of police for the area in which the offender resides.

**Commencement Information**

**II** S. 103 in force at 3.8.2009 by S.I. 2009/1842, art. 2(f)

**Status:**

Point in time view as at 03/08/2009.

**Changes to legislation:**

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