

2004 No. 203

MAGISTRATES' COURTS

**The Magistrates' Courts (Sexual Offences Act 2003) Rules
(Northern Ireland) 2004**

Made - - - - - *28th April 2004*

Coming into operation *17th May 2004*

The Lord Chancellor in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a), and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Sexual Offences Act 2003) Rules (Northern Ireland) 2004 and shall come into operation on 17th May 2004.

(2) In these Rules –

- (a) “the Act” means the Sexual Offences Act 2003(b) and a reference to a section by number means the section so numbered in the Act and expressions used have the same meaning as in the Act; and
- (b) a reference to a Form by number means the Form so numbered in the Schedule to these Rules or a form to the like effect.

Revocation

2. The following Rules are hereby revoked –

- (a) the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999(c); and
- (b) the Magistrates' Courts (Sex Offender Orders) (Amendment) Rules (Northern Ireland) 2003(d).

Notification orders and interim notification orders

3.—(1) A summons issued on foot of a complaint for –

- (a) a notification order under section 97 of the Act; or
- (b) an interim notification order under section 100 of the Act,

shall be in Form 1.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date on which the

(a) S.I. 1981/1675 (N.I. 26)
(b) 2003 (c. 42)
(c) S.R. 1999 No. 224
(d) S.R. 2003 No. 32

matter is to be heard, serve notice under section 99(3) of the Act on the complainant and, at the same time, shall serve a copy thereof on the clerk of petty sessions.

(3) A notification order shall be in Form 2.

(4) An interim notification order shall be in Form 3.

Sexual offences prevention orders and interim sexual offences prevention orders

4.—(1) A summons issued on foot of a complaint for –

(a) a sexual offences prevention order under section 104 of the Act; or

(b) an interim sexual offences prevention order under section 109 of the Act,

shall be in Form 4.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date on which the matter is to be heard, serve notice under section 106(11) of the Act on the complainant and, at the same time, shall serve a copy thereof on the clerk of petty sessions.

(3) A sexual offences prevention order shall be in Form 5.

(4) An interim sexual offences prevention order shall be in Form 6.

Foreign travel orders

5.—(1) A summons issued on foot of a complaint for a foreign travel order under section 114 of the Act shall be in Form 7.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date on which the matter is to be heard, serve notice under section 116(6) of the Act on the complainant and, at the same time, shall serve a copy thereof on the clerk of petty sessions.

(3) A foreign travel order shall be in Form 8.

Risk of sexual harm orders and interim risk of sexual harm orders

6.—(1) A summons issued on foot of a complaint for –

(a) a risk of sexual harm order under section 123 of the Act; or

(b) an interim risk of sexual harm order under section 126 of the Act,

shall be in Form 9.

(2) A risk of sexual harm order shall be in Form 10.

(3) An interim risk of sexual harm order shall be in Form 11.

Application for variation, renewal or discharge

7. A summons issued on foot of a complaint for the variation, renewal or discharge of –

(a) an interim notification order under section 100(7) of the Act;

(b) a sexual offences prevention order under section 108 of the Act;

(c) an interim sexual offences prevention order under section 109(6) of the Act;

(d) a foreign travel order under section 118 of the Act;

(e) a risk of sexual harm order under section 125 of the Act; or

(f) an interim risk of sexual harm order under section 126(5) of the Act;

shall be made in Form 12, and such proceedings shall be in a court of summary jurisdiction acting for the petty sessions district in which the order was made.

Service of documents

8.—(1) Subject to paragraph (2), service of a summons under these Rules may be effected –

- (a) by a member of the Police Service of Northern Ireland serving a copy of the summons on the defendant in person; or
- (b) by sending a copy of the summons by ordinary first class post to the defendant at his last-known address (in which cases the summons shall be deemed to have been received by him in the ordinary course of post, unless the defendant proves that he did not receive it).

(2) In the case of a summons on foot of a complaint for the variation, renewal or discharge of an order specified in Rule 7 issued by the defendant mentioned in that order, service shall be effected in accordance with paragraphs (2), (6) and (7) of Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984(a) by delivering a copy of the summons to any police station within the petty sessions district in which the proceedings are brought and leaving a copy with the officer in charge or any other constable.

(3) Where the court makes:

- (a) a notification order or interim notification order;
- (b) a sexual offences prevention order or an interim sexual offences prevention order;
- (c) a foreign travel order; or
- (d) a risk of sexual harm order or interim risk of sexual harm order,

the clerk of petty sessions shall serve a copy of that order on the defendant –

- (i) where the defendant is present, in person if practicable; or
- (ii) by sending it by ordinary first class post to the defendant at either his last known address or any address which is currently notified by him under Part 2 of the Sexual Offences Act 2003 (in which cases the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it),

and shall send a copy by ordinary first class post to the complainant.

(4) Where the court makes an order varying, renewing or discharging an order specified in Rule 7, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied, renewed or discharged –

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary first class post to the defendant at either his last known address or any address which is currently notified by him under Part 2 of the Sexual Offences Act 2003 (in which cases the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it),

and shall send a copy by ordinary first class post to the complainant.

(5) In paragraph (4) references to the complainant and the defendant are references to the complainant and the defendant in the proceedings in which the order was originally made.

Signed by the authority of the Lord Chancellor

Lord Filkin

Parliamentary Under Secretary of State, Department for Constitutional Affairs

Dated 28th April 2004

(a) S.R. 1984 No. 225, to which the most recent relevant amendment was made by S.R. 2003 No. 477

SCHEDULE

FORM 1

Rule 3(1)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section [97] [and] [100], Rule 3(1))

Summons on foot of complaint for [Notification Order] [and] [Interim Notification Order]

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS a complaint has been made before me in respect of an application for [a notification order] [an interim notification order] [a notification order and an interim notification order] to the following effect, viz –

That you, the above-named defendant, [reside in Northern Ireland] [are in or are intending to come to Northern Ireland].

That you on (specify date(s)) at (specify name of court/police station) in (specify country outside the United Kingdom) and under the law in force in that country outside the United Kingdom –

[were convicted of a relevant offence (as defined in section 99 of the Sexual Offences Act 2003.)]

[in respect of a relevant offence, were made subject to a finding equivalent to a finding that you were not guilty by reason of insanity.]

[in respect of a relevant offence, were made subject to a finding equivalent to a finding that you were under a disability and did the act charged.]

[were cautioned in respect of a relevant offence.]

The offence as described in the law in force in a country outside the United Kingdom is as follows (specify details):

The offence, listed in Schedule 3 to the Sexual Offences Act 2003, that this would have constituted had the act been done in any part of the United Kingdom is as follows (specify details):

Where the above conviction, finding or caution occurred before 1st September 1997, it appears that:

[you were dealt with in relation to the offence or finding on or after that date or have yet to be dealt with.]

[you, in respect of that offence or finding, were, under the law in force in the country concerned, subject to detention, supervision or any other disposal as referred to in section 97(3)(c) of the Sexual Offences Act 2003.]

It appears that the notification period that would have applied under section 82 of the Sexual Offences Act 2003 had the conviction, finding or caution taken place in the United Kingdom has not expired.

[Additional information relating to an application for an interim notification order:

].

[Where application is made for interim order only, specify the date of application for the notification order:].

Accordingly application is made for [a notification order] [an interim notification order] [a notification order and an interim notification order] which will make you subject to the notification requirements in Part 2 of the Sexual Offences Act 2003.

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:

[the defendant]

Note:

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If you wish to dispute that the offence referred to in this summons is a 'relevant offence' within the meaning of the Sexual Offences Act 2003, you must not less than 3 days before the date on which the matter is to be heard, serve notice under section 99(3) of the Act on the complainant, and at the same time serve a copy thereof on the clerk of petty sessions.

If a notification order or interim notification order is made against you, you will be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003. The requirements of that Act include an obligation on you to report to a prescribed police station within 3 days of the service of this order and to notify the police of your name(s), home address, date of birth and national insurance number. Thereafter you are obliged to report to a prescribed police station and notify the police of:

- any changes to your name or home address (within 3 days of the change);
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 7 days within a twelve month period (within 3 days);
- any plans you have to travel abroad for a period of 3 days or longer (if details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance).

You will also be obliged to report to a prescribed police station and notify certain information to the police at least once every year in accordance with section 85 of the Sexual Offences Act 2003.

A list of the police stations in Northern Ireland prescribed for the purpose of Part 2 of the Sexual Offences Act 2003 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

If, without reasonable excuse, you fail to comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 97, Rule 3(3))

Notification Order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

It is adjudged by a court of summary jurisdiction at _____ (*place*) on the _____ (*date*) that the following facts have been made out and therefore the conditions are met for a notification order to be made against the above-named defendant.

1. On _____ (*specify date(s)*) at _____ (*specify name of court/police station*) in _____ (*specify country outside the United Kingdom*) and under the law in force in that country outside the United Kingdom –

[the defendant was convicted of a relevant offence (as defined in section 99 of the Sexual Offences Act 2003.)]

[in respect of a relevant offence, the defendant was made subject to a finding equivalent to a finding that he was not guilty by reason of insanity.]

[in respect of a relevant offence, the defendant was made subject to a finding equivalent to a finding that he was under a disability and did the act charged.]

[the defendant was cautioned in respect of a relevant offence.]

The offence as described in the law in force in a country outside the United Kingdom is as follows (*specify details*) –

The offence, listed in Schedule 3 to the Sexual Offences Act 2003, that this would have constituted had the act been done in any part of the United Kingdom is as follows (*specify details*):

2. [The above conviction, finding or caution occurred on or after 1st December 1997.]

[The above conviction, finding or caution occurred before 1st December 1997, but the defendant was dealt with in relation to the offence or finding on or after that date or has yet to be dealt with.]

[The defendant, in respect of that offence or finding, was, under the law in force in the country concerned, subject to –

(Specify details of detention, supervision or any other disposal referred to in section 97(3)(c) of the Sexual Offences Act 2003.)]

3. The notification period that would have applied under section 82 of the Sexual Offences Act 2003 had the conviction, finding or caution taken place in the United Kingdom has not expired.

IT IS ORDERED that the defendant must comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 subject to the modifications set out in section 98 of that Act. In particular, the defendant's initial notification to the police must be made within 3 days of the service of this order.

The defendant must comply with the notification requirements for the period set out in section 82 of the Sexual Offences Act 2003. That is for [the period of his conditional discharge or equivalent] [two years] [five years] [seven years] [ten years] [an indefinite period] starting from:

(specify the date of conviction, finding or caution in the country outside the United Kingdom]

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

Note:

The requirement of a notification order is that you (the defendant) will be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 as modified by section 98 of that Act. The requirements of that Act include an obligation on you to report to a prescribed police station within 3 days of the service of this order and notify the police of your name(s), home address, date of birth and national insurance number. Thereafter you are obliged to report to a prescribed police station and notify the police of:

- any changes to your name or home address (within 3 days of the change);
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 7 days within a twelve month period (within 3 days);
- any plans you have to travel abroad for a period of 3 days or longer (if details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance).

You will also be obliged to report to a prescribed police station and notify certain information to the police at least once every year in accordance with section 85 of the Sexual Offences Act 2003.

Police Service of Northern Ireland Headquarters will be able to explain these conditions in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

A list of the police stations in Northern Ireland prescribed for the purpose of Part 2 of the Sexual Offences Act 2003 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

If, without reasonable excuse, you fail to comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

FORM 3

Rule 3(4)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 100, Rule 3(4))

Interim Notification Order

of

Complainant	}	Petty Sessions District of
Defendant	}	County Court Division of

of

An application for a notification order has been made by the complainant and that application has not yet been determined.

The court considers it is just to make an interim notification order because (*specify reasons*):

It is ordered that the defendant must comply with the notification requirements of Part 2 of the Sexual Offences Act 2003, subject to the modification that the relevant date (within the meaning of that Part) means the date of service of this order [for a period of] [until].

That you, the above-named defendant, are a qualifying offender by virtue of the following facts –

Details of offence:

If committed abroad, the corresponding offence this would have constituted had the act been done in the United Kingdom:

Date of [conviction] [finding] [caution]:

Details of court/police station:

And it is alleged that you have since the date of the above conviction, finding or caution, acted in such a way as to give reasonable cause to believe that a sexual offences prevention order under section 104 of the Sexual Offences Act 2003 is necessary to protect the public or any particular members of the public from serious sexual harm from you.

Short description of acts, including date(s) and further comments:

[Additional information relating to an application for an interim sexual offences prevention order:

].

[Where application is made for interim order only, specify the date of application for the sexual offences prevention order:]

Accordingly application is made for [a sexual offences prevention order] [an interim sexual offences prevention order] [a sexual offences prevention order and an interim sexual offences prevention order] containing the following prohibitions(s), namely:

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:

[the defendant]

Note:

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If you wish to dispute that the offence referred to in this summons is a 'relevant offence' within the meaning of the Sexual Offences Act 2003, you must not less than 3 days before the date on which the matter is to be heard, serve notice under section 106(11) of the Act on the complainant, and at the same time serve a copy thereof on the clerk of petty sessions.

If a sexual offences prevention order or an interim sexual offences prevention order is made against you, you will be subject to the prohibitions made in it. You will also be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003. The requirements of that Act include an obligation on you to report to a prescribed police station within 3 days of the service of this order and to notify the police of your name(s), home address, date of birth and national insurance number. Thereafter you are obliged to report to a prescribed police station and notify the police of:

- any changes to your name or home address (within 3 days of the change);
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 7 days within a twelve month period (within 3 days);
- any plans you have to travel abroad for a period of 3 days or longer (if details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance).

You will also be obliged to report to a prescribed police station and notify certain information to the police at least once every year in accordance with section 85 of the Sexual Offences Act 2003.

Police Service of Northern Ireland Headquarters will be able to explain these conditions in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

A list of the police stations in Northern Ireland prescribed for the purpose of Part 2 of the Sexual Offences Act 2003 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

If, without reasonable excuse, you do anything you are prohibited from doing by such an order, or if you fail to comply with the requirements of Part 2 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

FORM 5

Rule 4(3)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 104, Rule 4(3))

Sexual offences prevention order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

It is adjudged that the defendant is a qualifying offender by reason of the following:

Details of offence:

If committed abroad, the corresponding offence this would have constituted had the act been done in the United Kingdom:

Date of [conviction] [finding] [caution]:

Details of court/police station:

And it is adjudged that the defendant's behaviour since the date of the above conviction, finding or caution, makes it necessary to make a sexual offences prevention order under section 104 of the Sexual Offences Act 2003 to protect the public or any particular members of the public from serious sexual harm from him.

Short description of acts, (including date(s)) and further comments:

IT IS ORDERED that the defendant is prohibited from (*specify details*):

until *(date not less than 5 years from date of order or until further order)*.

And while this order (as renewed from time to time) has effect, the defendant shall be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 and the 'relevant date' within the meaning of that Part is the date of service of this order.

[OR, where the defendant is already subject to the notification requirements on the making of this order.

And the defendant, who was a relevant offender within the meaning of Part 2 of the Sexual Offences Act 2003 immediately before the making of this order, but who would otherwise cease to be subject to the

notification requirements of the said Part 2, shall, while this order has effect, remain subject to the notification requirements for the duration of this order as renewed from time to time.]

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

Note:

One of the requirements of a sexual offences prevention order is that you (the defendant) will be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003. Unless you are already subject to these requirements and have complied, these requirements include an obligation on you to report to a prescribed police station within 3 days of the service of this order and notify the police of your name(s), home address, date of birth and national insurance number. Thereafter you are obliged to report to a prescribed police station and notify the police of:

- any changes to your name or home address (within 3 days of the change);
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 7 days within a twelve month period (within 3 days);
- any plans you have to travel abroad for a period of 3 days or longer (if details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance).

You will also be obliged to report to a prescribed police station and notify certain information to the police at least once every year in accordance with section 85 of the Sexual Offences Act 2003.

Police Service of Northern Ireland Headquarters will be able to explain these conditions in more detail (in particular the information you must bring with you when you make your initial notification) and tell you at which police station you should attend.

A list of the police stations in Northern Ireland prescribed for the purpose of Part 2 of the Sexual Offences Act 2003 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

If, without reasonable excuse, you do anything you are prohibited from doing by this order or you fail to comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

FORM 6

Rule 4(4)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 109, Rule 4(4))

Interim Sexual Offences Prevention Order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

An application for a sexual offences prevention order has been made by the complainant and that application has not yet been determined.

The court considers it is just to make an interim sexual offences prevention order because (*specify reasons*):

IT IS ORDERED by a court of summary jurisdiction at _____ (place) on the _____ (date) that the defendant is prohibited from (*specify details*):

from the date of service of this order [for a period of _____] [until _____].

This interim sexual offences prevention order shall (if it is still in force) cease to have effect on the determination of the main application.

And while this order has effect, the defendant shall be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 and the 'relevant date' within the meaning of that Part is the date of service of this order.

[OR, where the defendant is already subject to the notification requirements on the making of this order.

And the defendant, who was a relevant offender within the meaning of Part 2 of the Sexual Offences Act 2003 immediately before the making of this order, but who would otherwise cease to be subject to the notification requirements of the said Part 2, shall, while this order has effect, remain subject to the notification requirements for the duration of this order.]

This _____ day of _____ 20 _____.

Resident Magistrate
[Clerk of Petty Sessions]

Note:

One of the requirements of an interim sexual offences prevention order is that you (the defendant) will be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003. Unless you are already subject to these requirements and have complied, these requirements include an obligation on you to report to a prescribed police station within 3 days of the service of this order and notify the police of your name(s), home address, date of birth and national insurance number. Thereafter you are obliged to report to a prescribed police station and notify the police of:

- any changes to your name or home address (within 3 days of the change);
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 7 days within a twelve month period (within 3 days);
- any plans you have to travel abroad for a period of 3 days or longer (if details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance).

You will also be obliged to report to a prescribed police station and notify certain information to the police at least once every year in accordance with section 85 of the Sexual Offences Act 2003.

Police Service of Northern Ireland Headquarters will be able to explain these conditions in more detail (in particular the information that you must bring with you when you make your initial notification) and tell you at which police station you should attend.

A list of the police stations in Northern Ireland prescribed for the purpose of Part 2 of the Sexual Offences Act 2003 may be obtained from the court office or from Police Service of Northern Ireland Headquarters.

The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

If, without reasonable excuse, you do anything you are prohibited from doing by this order or you fail to comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 114, Rule 5(1))

Summons on foot of complaint for foreign travel order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

Whereas a complaint has been made before me in respect of an application for foreign travel order to the following effect, viz –

That you, the above-named defendant, are a qualifying offender by virtue of the following facts –

Details of offence:

If committed abroad, the corresponding offence this would have constituted had the act been done in the United Kingdom:

Date of [conviction] [finding] [caution]:

Details of court/police station:

And it is alleged that you have since the date of the above conviction, finding or caution, acted in such a way as to give reasonable cause to believe that a foreign travel order under section 114 of the Sexual Offences Act 2003 is necessary to protect children generally or any particular child from serious sexual harm from you outside the United Kingdom.

Short description of acts, including date(s) and further comments:

Accordingly application is made for a foreign travel order prohibiting travel [to the country/countries specified below] [to the region(s) specified below] [abroad more generally]:

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:

[the defendant]

Note:

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If you wish to dispute that the offence referred to in this summons is a 'relevant offence' within the meaning of the Sexual Offences Act 2003, you must not less than 3 days before the date on which the matter is to be heard, serve notice under section 116(6) of the Act on the complainant, and at the same time serve a copy thereof on the clerk of petty sessions.

If a foreign travel order is made against you, you will be subject to prohibitions made in it. You will also be subject to the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003, which oblige you to notify the police of any plans you have to travel abroad for a period of 3 days or longer. If details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance of travel.

If, without reasonable excuse, you do anything you are prohibited from doing by the order, or if you fail to comply with the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

FORM 8

Rule 5(3)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 114, Rule 5(3))

Foreign Travel Order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

It is adjudged by a court of summary jurisdiction at (place) on the (date) that the defendant is a qualifying offender by reason of the following:

Details of offence:

If committed abroad, the corresponding offence this would have constituted had the act been done in the United Kingdom:

Date of [conviction] [finding] [caution]:

Details of court/police station:

And it is adjudged that the defendant's behaviour since the date of the above conviction, finding or caution, makes it necessary to make a foreign travel order under section 114 of the Sexual Offences Act 2003 to protect children generally or any particular child from serious sexual harm from him outside the United Kingdom.

Short description of acts, (including date(s)) and further comments:

IT IS ORDERED that the defendant is prohibited from travel [to the country/countries specified below] [to the region(s) specified below] [abroad more generally]:

until (date not more than six months from date of order).

While this order (as renewed from time to time) has effect, the defendant shall be subject to the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003.

[OR, where the defendant is already subject to the notification requirements on the making of this order.

And the defendant, who was a relevant offender within the meaning of Part 2 of the Sexual Offences Act 2003 immediately before the making of this order, but who would otherwise cease to be subject to the notification requirements of the said Part 2, shall, while this order has effect, remain subject to the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003 for the duration of this order as renewed from time to time.]

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

Note:

For the period of this order, you are subject to the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003, which oblige you to notify the police of any plans you have to travel abroad for a period of 3 days or longer. If details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance.

Police Service of Northern Ireland Headquarters will be able to explain these conditions in more detail. The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

If, without reasonable excuse, you do anything you are prohibited from doing by this order, or if you fail to comply with the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding five years.

FORM 9

Rule 6(1)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section [123] [and] [126], Rule 6(1))

Summons on foot of complaint for [risk of sexual harm order] [and] [interim risk of sexual harm order]

of

Complainant

of

Defendant

Petty Sessions District of

County Court Division of

Whereas a complaint has been made before me in respect of an application for [risk of sexual harm order] [an interim risk of sexual harm order] [a risk of sexual harm order and an interim risk of sexual harm order] to the following effect, viz –

That you, the above-named defendant, have on at least two occasions done an act specified in section 123(3) of the Sexual Offences Act 2003, as a result of which there is reasonable cause to believe that a risk of sexual harm order under section 123 of that Act is necessary to protect children generally or any particular child from harm from the defendant.

Short description of acts, including date(s):

[Additional information relating to an application for an interim risk of sexual harm order:

].

[Where application is made for interim order only, specify the date of application for the risk of sexual harm order:
]

Accordingly application is made for [a risk of sexual harm order] [an interim risk of sexual harm order] [a risk of sexual harm order and an interim risk of sexual harm order] containing the following prohibition(s), namely:

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:

[the defendant]

Note:

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If a risk of sexual harm order or an interim risk of sexual harm order is made against you, you will be subject to the prohibitions set out in the order. If, without reasonable excuse, you do anything you are prohibited from doing by such an order you shall be liable on conviction to imprisonment for a term not exceeding five years and you will become subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

FORM 10

Rule 6(2)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 123, Rule 6(2))

Risk of sexual harm order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

It is adjudged by a court of summary jurisdiction at (place) on the (date) that the defendant has on at least two occasions done an act specified in section 123(3) of the Sexual Offences Act 2003 and that it is necessary to make a risk of sexual harm order under section 123 of that Act for the purpose of protecting children generally or any particular child from harm from the defendant.

Short description of acts, including date(s):

IT IS ORDERED that the defendant is prohibited from (insert particulars of order):

until (date not less than two years from date of order or until further order).

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

Note:

If, without reasonable excuse, you do anything you are prohibited from doing by a risk of sexual harm order you shall be liable on conviction to imprisonment for a term not exceeding five years and you will become subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

FORM 11

Rule 6(3)

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section 126, Rule 6(3))

Interim risk of sexual harm order

of

Complainant



Petty Sessions District of

of

Defendant

County Court Division of

An application for a risk of sexual harm order has been made by the complainant and that application has not yet been determined.

The court considers it is just to make an interim risk of sexual harm order because (*specify reasons*):

IT IS ORDERED by a court of summary jurisdiction at (*place*) on the (*date*)
that the defendant is prohibited from (*specify details*):

from the date of service of this order [for a period of] [until].

This interim risk of sexual harm order shall (if it is still in force) cease to have effect on the determination of the main application.

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

Note:

If, without reasonable excuse, you do anything you are prohibited from doing by an interim risk of sexual harm order you shall be liable on conviction to imprisonment for a term not exceeding five years and you will become subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

SEXUAL OFFENCES ACT 2003

MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES
(NORTHERN IRELAND) 2004

(Section [100(7)] [108] [109(6)] [118] [125] [126(5)], Rule 7)

Summons on foot of complaint for [variation] [renewal] [discharge] of [interim notification order] [sexual offences prevention order] [interim sexual offences prevention order] [foreign travel order] [risk of sexual harm order] [interim risk of sexual harm order]

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS –

[an interim notification order];
[a[n] [interim] sexual offences prevention order];
[a foreign travel order];
[a[n] [interim] risk of sexual harm order],

(a copy of which is attached to this summons) was made against the defendant mentioned in that order on the day of 20 .

And the complainant, who was the [complainant] [defendant] in those proceedings now applies by complaint for the [variation] [renewal] [discharge] of the said order on the grounds that (*specify grounds*):

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:
[the defendant]

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules contain provisions relating to Part 2 of the Sexual Offences Act 2003 (Notification and orders).

Rule 2 revokes the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999 and the Magistrates' Courts (Sex Offender Orders) (Amendment) Rules (Northern Ireland) 2003. Sex offender orders and interim sex offender orders (made under Articles 6, 6A, 6B and 7 of the Criminal Justice (Northern Ireland) Order 1998) are replaced by sexual offences prevention orders and interim sexual offences prevention orders.

These Rules prescribe the procedure on an application for –

- a notification order or an interim notification order (Rule 3);
- a sexual offences prevention order or an interim sexual offences prevention order (Rule 4);
- a foreign travel order (Rule 5); and
- a risk of sexual harm order or an interim risk of sexual harm order (Rule 6).

Rule 7 prescribes the procedure on an application for the variation, renewal or discharge of –

- an interim notification order;
- a sexual offences prevention order or interim sexual offences prevention order;
- a foreign travel order; or
- a risk of sexual harm order or interim risk of sexual harm order.

Rule 8 prescribes the manner in which a summons or an order required to be served under these Rules may be served.

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