



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7 **U.K.**

#### VIOLENT OFFENDER ORDERS

##### *Violent offender orders*

### 98 **Violent offender orders** **E+W**

- (1) A violent offender order is an order made in respect of a qualifying offender which—
  - (a) contains such prohibitions, restrictions or conditions authorised by section 102 as the court making the order considers necessary for the purpose of protecting the public from the risk of serious violent harm caused by the offender, 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 103).
- (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 in the United Kingdom, or
  - (b) any particular members of the public in the United Kingdom,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—
  - (a) manslaughter;
  - (b) an offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder);
  - (c) an offence under section 18 of that Act (wounding with intent to cause grievous bodily harm);

*Status: Point in time view as at 31/10/2009.*

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- (d) an offence under section 20 of that Act (malicious wounding);
  - (e) attempting to commit murder or conspiracy to commit murder; or
  - (f) a relevant service offence.
- (4) The following are relevant service offences—
- (a) any offence under—
    - (i) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18),
    - (ii) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or
    - (iii) section 42 of the Naval Discipline Act 1957 (c. 53),
 of which the corresponding civil offence (within the meaning of the section in question) is an offence within any of paragraphs (a) to (e) of subsection (3) above; and
  - (b) any offence under section 42 of the Armed Forces Act 2006 (c. 52) as respects which the corresponding offence under the law of England and Wales (within the meaning of that section) is an offence within any of those paragraphs.
- (5) Section 48 of the Armed Forces Act 2006 (c. 52) (attempts, conspiracy etc.) applies for the purposes of subsection (4)(b) as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to subsection (4)(b).

#### Commencement Information

**II** S. 98 in force at 3.8.2009 by [S.I. 2009/1842](#), [art. 2\(a\)](#)

## 99 Qualifying offenders **E+W**

- (1) In this Part “qualifying offender” means a person aged 18 or over who is within subsection (2) or (4).
- (2) A person is within this subsection if (whether before or after the commencement of this Part)—
  - (a) the person has been convicted of a specified offence and either—
    - (i) a custodial sentence of at least 12 months was imposed for the offence, or
    - (ii) a hospital order was made in respect of it (with or without a restriction order),
  - (b) the person has been found not guilty of a specified offence by reason of insanity and subsection (3) applies, or
  - (c) the person has been found to be under a disability and to have done the act charged in respect of a specified offence and subsection (3) applies.
- (3) This subsection applies in the case of a person within (2)(b) or (2)(c) if the court made in respect of the offence—
  - (a) a hospital order (with or without a restriction order), or
  - (b) a supervision order.
- (4) A person is within this subsection if, under the law in force in a country outside England and Wales (and whether before or after the commencement of this Part)—
  - (a) the person has been convicted of a relevant offence and either—

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- (i) a sentence of imprisonment or other detention for at least 12 months was imposed for the offence, or
    - (ii) an order equivalent to that mentioned in subsection (3)(a) was made in respect of it,
  - (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, and has made in respect of the offence an order equivalent to one mentioned in subsection (3), or
  - (c) such a court has, in respect of a relevant offence, made a finding equivalent to a finding that the person was under a disability and did the act charged in respect of the offence, and has made in respect of the offence an order equivalent to one mentioned in subsection (3).
- (5) In subsection (4) “relevant offence” means an act which—
- (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 England and Wales.
- (6) An act punishable under the law in force in a country outside England and Wales constitutes an offence under that law for the purposes of subsection (5) however it is described in that law.
- (7) Subject to subsection (8), on an application under section 100 the condition in subsection (5)(b) (where relevant) is to be taken as met in relation to the person to whom the application relates (“P”) unless, not later than rules of court may provide, P serves on the applicant 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 applicant to prove that it is met.
- (8) If the court thinks fit, it may permit P to require the applicant to prove that the condition is met even though no notice has been served under subsection (7).

#### Commencement Information

**I2** S. 99 in force at 3.8.2009 by [S.I. 2009/1842](#), [art. 2\(b\)](#)

## 100 Applications for violent offender orders **E+W**

- (1) A chief officer of police may by complaint to a magistrates' court apply for a violent offender order to be made in respect of a person—
- (a) who resides in the chief officer's police area, or
  - (b) who the chief officer believes is in, or is intending to come to, that area,
- if it appears to the chief officer that the conditions in subsection (2) are met.
- (2) The conditions are—
- (a) that the person is a qualifying offender, and
  - (b) that 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 offender order to be made in respect of the person.

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- (3) An application under this section may be made to any magistrates' court whose commission area includes—
- (a) any part of the applicant's police area, or
  - (b) any place where it is alleged that the person acted in such a way as is mentioned in subsection (2)(b).
- (4) The Secretary of State may by order make provision—
- (a) for applications under this section to be made by such persons or bodies as are specified or described in the order;
  - (b) specifying cases or circumstances in which applications may be so made;
  - (c) for provisions of this Part to apply, in relation to the making of applications (or cases where applications are made) by any such persons or bodies, with such modifications as are specified in relation to them in the order.
- (5) In this Part “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 99(2) or (4), whether that date fell before or after the commencement of this Part.

#### Commencement Information

**I3** S. 100 in force at 3.8.2009 by S.I. 2009/1842, art. 2(c)

## 101 Making of violent offender orders **E+W**

- (1) This section applies where an application is made to a magistrates' court under section 100 in respect of a person (“P”).
- (2) After hearing—
- (a) the applicant, and
  - (b) P, if P wishes to be heard,
- the court may make a violent offender order in respect of P if it is satisfied that the conditions in subsection (3) are met.
- (3) The conditions are—
- (a) that P is a qualifying offender, and
  - (b) that P has, since the appropriate date, acted in such a way as to make it necessary to make a violent offender order for the purpose of protecting the public from the risk of serious violent harm caused by P.
- (4) When deciding whether it is necessary to make such an order for that purpose, the court must have regard to whether P would, at any time when such an order would be in force, be subject under any other enactment to any measures that would operate to protect the public from the risk of such harm.
- (5) A violent offender order may not be made so as to come into force at any time when P—
- (a) is subject to a custodial sentence imposed in respect of any offence,
  - (b) is on licence for part of the term of such a sentence, or
  - (c) is subject to a hospital order or a supervision order made in respect of any offence.

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(6) But such an order may be applied for, and made, at such a time.

#### Commencement Information

I4 S. 101 in force at 3.8.2009 by S.I. 2009/1842, art. 2(d)

### 102 Provisions that orders may contain **E+W**

- (1) A violent offender order may contain prohibitions, restrictions or conditions preventing the offender—
  - (a) from going to any specified premises or any other specified place (whether at all, or at or between any specified time or times);
  - (b) from attending any specified event;
  - (c) from having any, or any specified description of, contact with any specified individual.
- (2) Any of the prohibitions, restrictions or conditions contained in a violent offender order may relate to conduct in Scotland or Northern Ireland (as well as to conduct in England or Wales).
- (3) The Secretary of State may by order amend subsection (1).
- (4) In this section “specified” means specified in the violent offender order concerned.

#### Commencement Information

I5 S. 102 in force at 3.8.2009 by S.I. 2009/1842, art. 2(e)

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

- (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.

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- (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

**I6** S. 103 in force at 3.8.2009 by S.I. 2009/1842, art. 2(f)

### 104 Interim violent offender orders **E+W**

- (1) This section applies where an application under section 100 (“the main application”) has not yet been determined.
- (2) An application for an order under this section (“an interim violent offender 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 person making the main application.
- (3) If it appears to the court—
  - (a) that the person to whom the main application relates (“P”) is a qualifying offender,
  - (b) that, if the court were determining that application, it would be likely to make a violent offender order in respect of P, and

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- (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 P,
- the court may make an interim violent offender order in respect of P that contains such prohibitions, restrictions or conditions 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, restrictions or conditions is to prohibitions, restrictions or conditions authorised by section 102 in the case of a violent offender order.
- (5) But an interim violent offender order may not be made so as to come into force at any time when the person—
- (a) is subject to a custodial sentence for any offence,
  - (b) is on licence for part of the term of such a sentence, or
  - (c) is subject to a hospital order or a supervision order made in respect of any offence.
- (6) An interim violent offender 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.
- (7) “The appropriate time” means—
- (a) if the court grants the main application, the time when a violent offender 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.
- (8) Section 103 applies in relation to the variation or discharge of an interim violent offender order as it applies in relation to the variation or discharge of a violent offender order, but with the omission of subsection (7).

#### Commencement Information

**I7** S. 104 in force at 3.8.2009 by S.I. 2009/1842, art. 2(g)

## 105 Notice of applications **E+W**

- (1) This section applies to—
- (a) any application under section 100 for a violent offender order,
  - (b) any application under section 104 for an interim violent offender order, and
  - (c) any application under section 103 for the variation, discharge or renewal of a violent offender order, or for the variation or discharge of an interim violent offender order.
- (2) A magistrates' court may not begin hearing such an application unless it is satisfied that the relevant person has been given notice of—
- (a) the application, and
  - (b) the time and place of the hearing,
- a reasonable time before the hearing.



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- (3) In this section “the relevant person” means—
- (a) the person to whom the application mentioned in subsection (1)(a) or (b) relates, or
  - (b) the person in respect of whom the order mentioned in subsection (1)(c) has been made,
- as the case may be.

#### Commencement Information

**18** [S. 105](#) in force at 3.8.2009 by [S.I. 2009/1842](#), [art. 2\(h\)](#)

### 106 Appeals **E+W**

- (1) A person in respect of whom—
- (a) a violent offender order, or
  - (b) an interim violent offender order,
- has been made may appeal to the Crown Court against the making of the order.
- (2) Such a person may also appeal to the Crown Court against—
- (a) the making of an order under section 103, or
  - (b) any refusal to make such an order.
- (3) On an appeal under this section, the Crown 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.
- (4) For the purposes of section 103(3) an order made by the Crown Court on an appeal made by virtue of subsection (1) or (2) is to be treated as if made by the court from which the appeal was brought.

#### Commencement Information

**19** [S. 106](#) in force at 3.8.2009 by [S.I. 2009/1842](#), [art. 2\(i\)](#)

#### *Notification requirements*

### 107 Offenders subject to notification requirements **E+W**

- (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).



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#### Commencement Information

**110** S. 107 in force at 3.8.2009 by S.I. 2009/1842, art. 2(j)

### 108 Notification requirements: initial notification **E+W**

- (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;
  - (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.

#### Commencement Information

**111** S. 108 in force at 3.8.2009 by S.I. 2009/1842, art. 2(k)

### 109 Notification requirements: changes **E+W**

- (1) An offender subject to notification requirements must notify to the police—

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- (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;

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- (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**

**I12** S. 109 in force at 3.8.2009 by S.I. 2009/1842, art. 2(l)

**110 Notification requirements: periodic notification** **E+W**

- (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.

**Commencement Information**

**I13** S. 110 in force at 3.8.2009 by S.I. 2009/1842, art. 2(m)

*Status: Point in time view as at 31/10/2009.*

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## 111 Notification requirements: travel outside United Kingdom **E+W**

- (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.

### Commencement Information

**I14** S. 111 in force at 3.8.2009 by S.I. 2009/1842, art. 2(n)

## 112 Method of notification and related matters **E+W**

- (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,

*Status: Point in time view as at 31/10/2009.*

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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.

#### Commencement Information

**I15** S. 112 in force at 3.8.2009 by S.I. 2009/1842, art. 2(o)

### Supplementary

#### 113 Offences **U.K.**

- (1) If a person fails, without reasonable excuse, to comply with any prohibition, restriction or condition contained in—
  - (a) a violent offender order, or
  - (b) an interim violent offender order,the person commits an offence.
- (2) If a person fails, without reasonable excuse, to comply with—
  - (a) section 108(1), 109(1) or (6)(b), 110(1) or 112(4), or
  - (b) any requirement imposed by regulations made under section 111(1),the person commits an offence.
- (3) If a person notifies to the police, in purported compliance with—
  - (a) section 108(1), 109(1) or 110(1), or
  - (b) any requirement imposed by regulations made under section 111(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 108(1), 109(1) or 110(1), or
  - (b) any requirement imposed by regulations made under section 111(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.

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- (6) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the relevant period 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.
- (7) In subsection (6)(a) “the relevant period” means—
- (a) in relation to England and Wales and Scotland, 12 months;
  - (b) in relation to Northern Ireland, 6 months.
- (8) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence resides or is found.

#### Commencement Information

**116** S. 113 in force at 3.8.2009 by S.I. 2009/1842, art. 2(p)

#### 114 Supply of information to Secretary of State etc. **E+W**

- (1) This section applies to information notified to the police under section 108(1), 109(1) or 110(1).
- (2) A chief officer of police 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) the Secretary of State, or
  - (b) a person providing services to 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 the Secretary of State, by that person in connection with the exercise of a relevant function, or
    - (ii) where the person is within subsection (2)(b), 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 the Data Protection Act 1998 (c. 29).
- (6) This section does not affect any power to supply information that exists apart from this section.
- (7) In this section “relevant function” means—
- (a) a function relating to social security, child support, employment or training,
  - (b) a function relating to passports, or

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- (c) a function under Part 3 of the Road Traffic Act 1988 (c. 52).

**Commencement Information**

**I17** S. 114 in force at 3.8.2009 by S.I. 2009/1842, art. 2(q)

**115 Supply of information by Secretary of State etc. E+W**

- (1) A report compiled under section 114 may be supplied to a chief officer of police by—
- (a) the Secretary of State, or
  - (b) a person within section 114(2)(b).
- (2) Such a report may contain any information held—
- (a) by the Secretary of State in connection with the exercise of a relevant function, or
  - (b) by a person within section 114(2)(b) in connection with the provision of services as mentioned there.
- (3) Where such a report contains information within subsection (2), the chief officer to whom it is supplied—
- (a) may 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) Subsections (4) to (7) of section 114 apply in relation to this section as they apply in relation to section 114.

**Commencement Information**

**I18** S. 115 in force at 3.8.2009 by S.I. 2009/1842, art. 2(r)

**116 Information about release or transfer E+W**

- (1) This section applies to an offender subject to notification requirements who is—
- (a) serving a sentence of imprisonment or a term of service detention, or
  - (b) detained in a hospital.
- (2) The Secretary of State 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.



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- (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.

#### Commencement Information

**I19** S. 116 in force at 3.8.2009 by S.I. 2009/1842, art. 2(s)

### 117 Interpretation of Part 7 **E+W**

- (1) In this Part—

“the appropriate date” has the meaning given by section 100(5);

“country” includes territory;

“custodial sentence” means—

- (a) a sentence of imprisonment, any other sentence or order mentioned in section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (as in force at any time after the passing of this Act) or any corresponding sentence or order imposed or made under any earlier enactment, or

- (b) a relevant service sentence (see subsection (2) below);

“home address” has the meaning given by section 108(5);

“hospital order” means—

- (a) an order under section 37 of the Mental Health Act 1983 (c. 20) or section 60 of the Mental Health Act 1959 (c. 72), or

- (b) any other order providing for the admission of a person to hospital following a finding of the kind mentioned in section 99(2)(b) or (c) of this Act;

“interim violent offender order” means an order made under section 104;

“kept in service custody” means kept in service custody by virtue of an order under section 105(2) of the Armed Forces Act 2006 (c. 52);

“the offender”, in relation to a violent offender order or an interim violent offender order, means the person in respect of whom the order is made;

“qualifying offender” has the meaning given by section 99(1);

“restriction order” means an order under section 41 of the Mental Health Act 1983 or section 65 of the Mental Health Act 1959;

“service detention” has the meaning given by section 374 of the Armed Forces Act 2006;

“specified offence” has the meaning given by section 98(3);

“supervision order” means—

- (a) a supervision order within the meaning of Schedule 1A to the Criminal Procedure (Insanity) Act 1964 (c. 84), or

- (b) a supervision and treatment order within the meaning of Schedule 2 to that Act;

“violent offender order” has the meaning given by section 98(1).

- (2) The following are relevant service sentences—

- (a) a sentence of imprisonment passed under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);

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- (b) a sentence of custody for life, or detention, under section 71A of either of those Acts of 1955 or section 43A of that Act of 1957;
  - (c) a sentence under a custodial order within the meaning of—
    - (i) section 71AA of, or paragraph 10 of Schedule 5A to, either of those Acts of 1955, or
    - (ii) section 43AA of, or paragraph 10 of Schedule 4A to, that Act of 1957;
  - (d) a custodial sentence within the meaning of the Armed Forces Act 2006 (c. 52) (see section 374 of that Act).
- (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 98(2).
- (4) References in this Part to a finding of the kind mentioned in section 99(2)(b) or (c) or (4)(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.
- (5) References in this Part to an offender subject to notification requirements are to be read in accordance with section 107.
- (6) The following expressions have the same meanings as in Part 2 of the Sexual Offences Act 2003 (c. 42) (notifications and orders)—  
“detained in a hospital” (see sections 133 and 135 of that Act);  
“sentence of imprisonment” (see section 131 of that Act);  
and references to a person having been found to be under a disability and to have done the act charged are to be read in accordance with section 135 of that Act.

#### **Commencement Information**

**I20** S. 117 in force at 3.8.2009 by S.I. 2009/1842, art. 2(t)

**Status:**

Point in time view as at 31/10/2009.

**Changes to legislation:**

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