



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7

#### VIOLENT OFFENDER ORDERS

##### *Supplementary*

#### 113 Offences

- (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),

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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.
- (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 <sup>F1</sup>... Scotland, 12 months;
  - (b) in relation to Northern Ireland, 6 months;
  - <sup>F2</sup>(c) in relation to England and Wales, the general limit in a magistrates’ court.]
- (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.

#### Textual Amendments

- F1** Words in s. 113(7)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **16(2)**
- F2** S. 113(7)(c) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **16(3)**

#### Commencement Information

- I1** 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.

- (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

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- (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 [<sup>F3</sup>the data protection legislation].
  - (6) This section does not affect any power to supply information that exists apart from this section.
- [<sup>F4</sup>(6A) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]
- (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
    - (c) a function under Part 3 of the Road Traffic Act 1988 (c. 52).

#### Textual Amendments

- F3** Words in s. 114(5) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 151(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F4** S. 114(6A) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 151(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

#### Commencement Information

- I2** 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.

- (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.

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#### Commencement Information

**I3** S. 115 in force at 3.8.2009 by S.I. 2009/1842, art. 2(r)

### 116 Information about release or transfer

- (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.
- (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

**I4** S. 116 in force at 3.8.2009 by S.I. 2009/1842, art. 2(s)

### 117 Interpretation of Part 7

- (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 [F<sup>5</sup>section 222(1) of the Sentencing Code] (as in force at any time after the passing of this Act) or any corresponding sentence or order imposed or made under [F<sup>6</sup>any enactment passed before that section came into force], 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);

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“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);

(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.

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#### Textual Amendments

**F5** Words in s. 117(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 269\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F6** Words in s. 117(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 269\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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**Commencement Information**

**I5** S. 117 in force at 3.8.2009 by [S.I. 2009/1842](#), [art. 2\(t\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)