



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 7

#### VIOLENT OFFENDER ORDERS

##### *Supplementary*

#### 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>1</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>2</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.

#### Textual Amendments

**F1** 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

**F2** 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**

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

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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\(3\)](#)