



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 7

VIOLENT OFFENDER ORDERS

Violent offender orders

98 Violent offender orders

- (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);

Changes to legislation: Criminal Justice and Immigration Act 2008, Section 98 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) an offence under section 20 of that Act (malicious wounding);
 - [^{F1}(da) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation);]
 - (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).
- [^{F2}(6) The Secretary of State may by order—
- (a) amend subsection (3);
 - (b) make consequential amendments to subsection (4).]

Textual Amendments

- F1** S. 98(3)(da) inserted (7.6.2022) by Domestic Abuse Act 2021 (c. 17), s. 90(6), **Sch. 2 para. 10**; S.I. 2022/553, regs. 1(2), 3(b)
- F2** S. 98(6) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 119(1), 185(1)**; S.I. 2014/949, art. 3, Sch. para. 9

Commencement Information

- I1** S. 98 in force at 3.8.2009 by S.I. 2009/1842, **art. 2(a)**

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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\(3\)](#)