STATUTORY RULES OF NORTHERN IRELAND

2016 No. 145

CRIMINAL LAW

The Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - - 8th March 2016
Coming into operation in accordance with Regulation 1(2)

The Department of Justice makes the following Regulations, in exercise of the powers conferred by sections 65(2)(h),66(2)(d) and (3)(d),67(5)(a) and 69 of the Justice Act (Northern Ireland) 2015(**1**).

In accordance with section 102(2) of that Act, a draft of these Regulations was laid before, and approved by a resolution of, the Assembly.

Citation and commencement

1.—(1) These Regulations may be cited as the Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016.

(2) These Regulations shall come into operation on 1st June 2016.

Interpretation

2. In these Regulations—

"the 2015 Act" means the Justice Act (Northern Ireland) 2015;

"banking institution" means a bank, building society or other institution which provides banking services;

"business" includes any trade, profession or vocation;

"child" means a person aged under 18 years;

"credit card" means a card which is a credit-token within the meaning of section 14(1)(b) of the Consumer Credit Act 1974(**2**);

"credit card provider" means a bank, building society or other institution which provides a credit card;

(**1**) 2015 c.9 (N.I.).
(**2**) 1974 c.39.

"debit card" means a card the use of which by its holder to make a payment results in a current account of the holder at a banking institution being debited with the payment;

"identity document" has the same meaning as in the Identity Documents Act 2010(**3**)but does not include a stamp or label;

"offender" means an offender subject to violent offences prevention order notification requirements and

"relevant household" means a household or other place—

(a) where a child resides or stays, and

(b) to which the public do not have access (whether for payment or not).

Travel Notification Requirements

3. Regulations 4 to 10 provide for notification requirements in respect of travel outside the United Kingdom under section 69 of the 2015 Act.

Determination of proposed point of arrival

4.—(1) For the purposes of section 69(2)(b) and of these Regulations, an offender's proposed point of arrival in a country is to be determined in accordance with this regulation.

(2) In a case in which an offender will arrive in a country by rail, sea or air, the offender's proposed point of arrival is the first station, port or airport at which the offender proposes to disembark.

(3) In a case in which an offender will arrive in a country by any means other than those mentioned in paragraph (2), the offender's proposed point of arrival is the first place at which the offender proposes to enter the country.

Notification to be given before leaving the United Kingdom

5.—(1) An offender who proposes to leave the United Kingdom, except to travel to the Republic of Ireland, must give a notification under section 69(2) in accordance with these Regulations.

(2) An offender who proposes to leave the United Kingdom to travel to the Republic of Ireland for a period of three days or longer must give a notification under section 69(2) in accordance with these Regulations.

(3) Where an offender to whom these Regulations apply knows the information required to be disclosed by section 69(2)(a) and (b)(**4**) more than seven days before the date of the offender's proposed departure, the offender shall give a notification which sets out that information and as much of the information required by regulation 6 as the offender holds—

(a) not less than seven days before that date (the seven day notification requirement); or

(b) as soon as reasonably practicable but not less than 24 hours before that date, if and only if the offender has a reasonable excuse for not complying with the seven day notification requirement.

(4) Where the offender does not know the information required to be disclosed by section 69(2)(a) and (b) more than seven days before the date of the offender's proposed departure, the offender shall give not less than 12 hours before that date, a notification which sets out that information and as much of the information required by regulation 6 as the offender holds.

(**3**) 2010 c.40.

(**4**) A notification under section 69(2) must disclose the date on which the offender will leave the United Kingdom, the country (or, if there is more than one, the first country) to which the offender will travel and the offender's point of travel in that country.

Information to be disclosed in a notification under section 69(2)

6. In addition to the information required by section 69(2)(a) and (b), an offender to whom these Regulations apply must disclose, where the offender holds such information—

(a) where the offender proposes to travel to more than one country outside the United Kingdom, the offender's proposed point of arrival in each such additional country,

(b) the dates on which the offender proposes to stay in any country to which the offender proposes to travel,

(c) details of the offender's accommodation arrangements in any country to which the offender proposes to travel,

(d) the identity of any carrier or carriers the offender proposes to use for the purposes of departing from and returning to the United Kingdom, and of travelling to any other proposed point of arrival,

(e) in a case in which the offender proposes to return to the United Kingdom on a particular date, that date, and

(f) in a case in which the offender proposes to return to the United Kingdom at a particular point of arrival, that proposed point of arrival.

Change to information disclosed in a notification under section 69(2)

7.—(1) Where—

(a) an offender has given a notification under section 69(2), and

(b) at any time prior to the offender's proposed departure from the United Kingdom, the information disclosed in that notification becomes inaccurate or incomplete as a statement of all the information mentioned in section 69(2)(a) and (b) and regulation 6 which the offender currently holds,

the offender must give a further notification under section 69(2).

(2) A further notification under paragraph (1) must be given not less than 12 hours before the offender's proposed departure from the United Kingdom.

(3) The offender may not give notification under paragraph (2) less than 24 hours before the proposed departure date unless the offender has a reasonable excuse for being unable to give such notification before that time.

Notification to be given on return to the United Kingdom

8.—(1) This regulation applies to an offender who—

(a) is required to give a notification under section 69(2),

(b) has left the United Kingdom, and

(c) subsequently returns to the United Kingdom.

(2) Except as provided by paragraph (3), every offender to whom this regulation applies must give a notification under section 69(3) within three days of returning to the United Kingdom.

(3) An offender to whom this regulation applies need not give a notification under section 69(3) in any case in which the offender gave a relevant notification under 69(2) which disclosed—

(a) a date under regulation 6(e), and

(b) a proposed point of arrival under regulation 6(f),

provided the offender's return to the United Kingdom was on that date and at that point of arrival.

Information to be disclosed in a notification under section 69(3)

9. A notification under section 69(3) must disclose the offender's—

(a) date of return to the United Kingdom; and

(b) point of arrival in the United Kingdom.

Giving a notification

10.—(1) Subject to paragraph (2) , an offender gives a notification under section 69(2) or (3) by—

(a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1) of the Sexual Offences Act 2003(**5**), and

(b) at which, in accordance with section 70, notifications under sections 65, 66 or 67 may be made.

(2) For the purpose of giving a notification under section 69(2) as required by regulation 5(3) or 7, an offender must attend at a police station prescribed under section 70, but such a police station need not be in the offender's local police area.

(3) A notification under section 69(2) or 69(3) must be given to a police officer, or to a person authorised by the officer in charge of the station under section 70(1)(b) for the purpose of receiving a notification under that section.

(4) An offender giving a notification under section 69(2) or 69(3) must inform the person to whom the offender gives the notice of the offender's—

(a) name and other names the offender is using,

(b) home address, and

(c) date of birth,

as currently notified under the notification requirements of the 2015 Act.

(5) An offender giving a further notification under section 69(2) as required by regulation 7 must inform the person to whom the offender gives the notification of the police station at which the offender first gave a notification in respect of the journey in question under section 69(2).

Periodic notification of address where there is no sole or main residence

11. For the purposes of section 67(5)(a) of the 2015 Act, the applicable period means the period of seven days.

Notification to be given by relevant offender residing or staying at a relevant household

12.—(1) The information set out in paragraph (2) is prescribed for the purposes of section 65(2)(h) of the 2015 Act in a case where an offender resides, or stays for a period of at least 12 hours, at a relevant household.

(2) The information which the offender must notify is—

(a) the date on which the offender begins to reside or stay at a relevant household,

(b) the address of the relevant household, and

(c) where the offender holds such information, the period or periods for which the offender proposes to reside or stay at the relevant household.

13.—(1) The changes in circumstances set out in paragraph (2) are prescribed for the purposes of section 66(3)(d) of the 2015 Act.

(**5**) 2003 c.42.