
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.

- (2) The changes of circumstances are where the offender—
 - (a) resides, or stays for a period of at least 12 hours, at a relevant household in relation to which there has been no notification under section 65(1);
 - (b) ceases to reside or stay at a relevant household in relation to which there has been a notification under section 65(1).
- (3) A notification given under section 66(1) of the 2015 Act must disclose the date from which the offender resides or stays, or the date on which the offender ceases to reside or stay, at a relevant household.

Notification of information about bank accounts and credit cards

14.—(1) The information set out in paragraphs (2) to (7) is prescribed for the purposes of section 65(2)(h) of the 2015 Act in a case where an offender holds—

- (a) an account with a banking institution in the offender’s name, or in the offender’s name and the name of another person, and in relation to each such account, the information specified in paragraph (2);
 - (b) an account with a banking institution in the name of an unincorporated business which is run by the offender, or run by the offender and another person, and in relation to each such account, the information specified in paragraph (3);
 - (c) a debit card in relation to any account of which notification is given in accordance with sub-paragraph (a) or (b), and in relation to each such debit card, the information specified in paragraph (4);
 - (d) an account with a credit card provider in the offender’s name, or in the offender’s name and the name of another person, and in relation to each such account, the information specified in paragraph (5);
 - (e) an account with a credit card provider in the name of an unincorporated business which is run by the offender, or run by the offender and another person, and in relation to each such account, the information specified in paragraph (6); or
 - (f) a credit card in relation to any account of which notification is given in accordance with sub-paragraph (d) or (e), and in relation to each such credit card, the information specified in paragraph (7).
- (2) The information specified for the purposes of paragraph (1)(a) is—
 - (a) the name of each banking institution with which the offender holds an account;
 - (b) the address of the office at which each account is held and, if that office is outside the United Kingdom, the address of the principal office in the United Kingdom (if any) of the banking institution;
 - (c) the number of each account; and
 - (d) the sort code in relation to each account.
 - (3) The information specified for the purposes of paragraph (1)(b) is—
 - (a) the information specified in paragraph (2); and
 - (b) the name of the business in whose name the account is held.
 - (4) The information specified for the purposes of paragraph (1)(c) is—
 - (a) the card number in relation to each debit card;
 - (b) the validation date of each debit card;
 - (c) the expiry date of each debit card; and
 - (d) the name of the business (if any) in whose name the card is held.

- (5) The information specified for the purposes of paragraph (1)(d) is—
 - (a) the name of each credit card provider with which the offender holds an account;
 - (b) the address of the office at which each account is held and, if that office is outside the United Kingdom, the address of the principal office in the United Kingdom (if any) of the credit card provider; and
 - (c) the number of each account.
- (6) The information specified for the purposes of paragraph (1)(e) is—
 - (a) the information specified in paragraph (5); and
 - (b) the name of the business in whose name the card is held.
- (7) The information specified for the purposes of paragraph (1)(f) is—
 - (a) the card number in relation to each credit card;
 - (b) the validation date of each credit card;
 - (c) the expiry date of each credit card; and
 - (d) the name of the business (if any) in whose name the card is held.

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

- (2) The changes of circumstance are where—
 - (a) an account which an offender holds with a banking institution, as specified in regulation 14(1)(a) or (b), has been—
 - (i) opened, or
 - (ii) closed;
 - (b) a debit card the offender holds in relation to any account specified in regulation 14(1)(a) or (b)—
 - (i) has been obtained by the offender, or
 - (ii) is no longer held by the offender;
 - (c) an account the offender holds with a credit card provider, as specified in regulation 14(1)(d) or (e), has been—
 - (i) opened, or
 - (ii) closed;
 - (d) a credit card the offender holds in relation to any account specified in regulation 14(1)(d) or (e)—
 - (i) has been obtained by the offender or
 - (ii) is no longer held by the offender;
 - (e) any information previously notified by the offender under regulation 14(1) has—
 - (i) altered, or
 - (ii) become inaccurate or incomplete.

(3) A notification given under section 66(1) of the 2015 Act must include the information specified in regulation 14(2) to (7) in relation to that account, or debit or credit card.

Notification of information about passport or other form of identification

16.—(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 holds any passport, other identity document or (in a

case where the offender does not hold any passport or other identity document) any other document in which the offender's full name appears.

- (2) The information which an offender must notify is—
- (a) where the offender holds any passport, and in relation to each passport held—
 - (i) the passport number, and
 - (ii) the offender's full name as it appears in that passport;
 - (b) where the offender does not hold a passport, in relation to any other identity document held—
 - (i) the description of the identity document,
 - (ii) the issue number (if any) of that identity document, and
 - (iii) the offender's full name as it appears in that identity document;
 - (c) where the offender does not hold a passport or other identity document, in relation to another document held—
 - (i) the description of the document (including the name of any issuing authority),
 - (ii) the issue number (if any) of that document; and
 - (iii) the offender's full name as it appears in that document.

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

- (2) The changes of circumstance are where the offender—
- (a) obtains a passport, other identity document or other document in relation to which there has been no notification under section 65(1); and
 - (b) ceases to hold a passport, other identity document or other document in relation to which there has been a notification under section 65(1).

Sealed with the Official Seal of the Department of Justice on 8th March 2016

David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out additional notification requirements for a person who is subject to a violent offences prevention order (or an interim violent offences prevention order) under Part 8 of the Justice Act (Northern Ireland) 2015 (“the 2015 Act”). They supplement notification requirements made in Part 8, sections 64 to 76 of the 2015 Act. Notification requirements involve the provision of personal information to the police, both at the outset and periodically thereafter and require them to also notify certain changes in circumstances.

Section 69 of the 2015 Act enables regulations to make provision requiring a person to notify the police of that person’s proposal to travel abroad and of that person’s return. Regulations 4 to 10 set out those requirements for travel outside the United Kingdom.

Under regulation 5, where a person proposes to leave the United Kingdom, except when travelling to the Republic of Ireland, that person must give notification under section 69(2) of the 2015 Act in accordance with the Regulations, regardless of the length of the trip. Notification of travel to the Republic of Ireland must be made where the person proposes to travel for a period of three or more days. This regulation also provides that notification must be made of proposed travel not less than seven days before departure, or exceptionally not less than 12 hours before departure.

Section 69 also specifies that the notification must disclose the date of departure from the United Kingdom, the country to which the person will travel and the proposed point of arrival in that country. Regulation 6 prescribes additional information to be disclosed.

Regulation 7 provides for notification of changes or additions to the information provided.

Under regulations 8 and 9, a person is required to give a notification on return to the United Kingdom, unless that person has already notified the required information.

Regulation 10 sets out the means by which notifications are to be given.

Regulation 11 requires a person who has no sole or main residence to notify every seven days the address or location of a place in the United Kingdom where that person can regularly be found.

Regulations 12 and 13 require the person to notify the police when that person resides, or stays for at least 12 hours, at a relevant household. A relevant household is a household or other place at which a child (defined as a person aged under 18 years) resides or stays (whether with its parent, guardian or carer, with another child or alone) and to which the public do not have access. The information must include the date on which the person begins to reside or stay at the relevant household, its address and the period for which that person proposes to reside or stay at that place.

Regulation 14 and 15 imposes the requirement of the person to notify information about that person’s bank accounts, and debit and credit cards. It applies to accounts and cards held by that person in that person’s own name or in the name of an unincorporated business run by that person, and whether held singly or jointly with another person.

Regulation 14(1) requires the person to notify the police about whether that person holds an account with a banking institution (defined as a bank, building society or any other institution providing banking services), a debit card in relation to such an account, a credit card account or a credit card. If the person holds an account or card, that person is required to notify the information specified in regulation 14(2) to (7).

Regulation 15 requires the person to notify a change in any of the circumstances prescribed by that regulation. These circumstances arise where an account is opened or closed, a debit or credit card

is obtained, no longer held or has expired and information previously notified by that person has altered or become inaccurate or incomplete.

Regulations 16 and 17 requires the person, when giving initial notification under sections 65 to 67 of the 2015 Act, to give certain information in accordance with whether or not that person holds a passport, other identity document (which has the meaning given in section 7 of the Identity Documents Act 2010) or other document. If the person holds a passport, the information must comprise the passport number and that person's full name as it appears in the passport. If the person does not hold a passport but holds another identity document, the information must comprise the description of the identity document, its issue number (if any) and that person's full name as it appears in the identity document. If the person does not hold a passport or other identity document, but holds another document containing information which can verify that person's identification, the information must comprise the description of the document, its issue number (if any) and that person's full name as it appears in the document.