

Supersedes draft laid before Parliament on 10th March which was not published. Draft Regulations laid before Parliament under section 138(2) of the Sexual Offences Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND**

**The Sexual Offences Act 2003 (Travel
Notification Requirements) Regulations 2004**

Made - - - - 2004
Coming into force - - 1st May 2004

Whereas a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 86 of the Sexual Offences Act 2003(1), hereby makes the following Regulations:

Citation and extent

1.—(1) These Regulations may be cited as the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004.

(2) These Regulations do not extend to Scotland.

Interpretation

2. In these Regulations:

- (a) a reference to a numbered section is to the section of that number in the Sexual Offences Act 2003, and
- (b) a reference to the “2001 Regulations” is to the Sex Offenders (Notice Requirements) (Foreign Travel) Regulations 2001(2).

(1) 2003 c. 42.

(2) S.I.2001/1846 which were made under section 2 of the Sex Offenders Act 1997, which is repealed and re-enacted with modifications by the Sexual Offences Act 2003.

Commencement, revocation and transitional provision

3.—(1) Subject to paragraph (2), these Regulations shall come into force on 1st May 2004.

(2) A relevant offender⁽³⁾ who intends to leave the United Kingdom for a period of less than eight days is not required to give a notification pursuant to regulation 5(1) if his intended date of departure is on or before 9th May 2004.

(3) Subject to paragraphs (4) and (5), the 2001 Regulations are hereby revoked.

(4) Where a relevant offender has given notice in accordance with section 2(6E) of the Sex Offenders Act 1997⁽⁴⁾ before the coming into force of these Regulations, the requirements of the 2001 Regulations shall apply to the departure and return so notified as if these Regulations had not been made.

(5) Where a relevant offender subject to the notice requirements of the 2001 Regulations whose intended date of departure is on or before 9th May 2004 has not given notice in accordance with section 2(6E) of the Sex Offenders Act 1997 before the coming into force of these Regulations, the requirements of the 2001 Regulations shall apply to the departure and return as if these Regulations had not been made.

Determination of point of arrival

4.—(1) For the purposes of section 86(2)(b) and of these Regulations, a relevant offender's point of arrival in a country is to be determined in accordance with this regulation.

(2) In a case in which a relevant offender will arrive in a country by rail, sea or air, his point of arrival is the station, port or airport at which he will first disembark.

(3) In a case in which a relevant offender will arrive in a country by any means other than those mentioned in paragraph (2) above, his point of arrival is the place at which he will first enter the country.

Notification to be given before leaving the United Kingdom

5.—(1) A relevant offender who intends to leave the United Kingdom for a period of three days or longer must give a notification under section 86(2) in accordance with these Regulations.

(2) Where a relevant offender to whom these Regulations apply knows the information required to be disclosed by section 86(2)(a) and (b)⁽⁵⁾ more than seven days before the date of his intended departure, he shall give a notification which sets out that information and as much of the information required by regulation 6 as he 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 relevant offender has a reasonable excuse for not complying with the seven day notification requirement.

(3) Where the relevant offender does not know the information required to be disclosed by section 86(2)(a) and (b) more than seven days before the date of his intended departure, he shall give not less than 24 hours before that date, a notification which sets out that information and as much of the information required by regulation 6 as he holds.

(3) "Relevant offender" is defined in section 80(2) of the 2003 Act as a person for the time being subject to the notification requirements of Part 2 of the Act.

(4) 1997 c. 51; section 2(6E) was inserted into section 66 of and Schedule 5 to the Criminal Justice and Court Services Act 2000 (c. 43).

(5) A notification under section 86(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 he will travel and his point of arrival in that country.

Information to be disclosed in a notification under section 86(2)

6. In addition to the information required by section 86(2)(a) and (b) , a relevant offender to whom these Regulations apply must disclose, where he holds such information—

- (a) where he intends to travel to more than one country outside the United Kingdom, his intended point of arrival in each such additional country,
- (b) the identity of any carrier or carriers he intends to use for the purposes of his departure from and return to the United Kingdom, and of travelling to any other point of arrival,
- (c) details of his accommodation arrangements for his first night outside the United Kingdom,
- (d) in a case in which he intends to return to the United Kingdom on a particular date, that date, and
- (e) in a case in which he intends to return to the United Kingdom at a particular point of arrival, that point of arrival.

Change to information disclosed in a notification under section 86(2)

7.—(1) Where—

- (a) a relevant offender has given a notification under section 86(2), and
- (b) at any time prior to his intended 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 86(2)(a) and (b) and regulation 6 which he currently holds,

he must give a further notification under section 86(2) .

(2) A further notification under paragraph (1) above must be given not less than 24 hours before the relevant offender’s intended departure from the United Kingdom.

Notification to be given on return to the United Kingdom

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

- (a) is required to give a notification under section 86(2) ,
- (b) has left the United Kingdom, and
- (c) subsequently returns to the United Kingdom.

(2) Except as provided by paragraph (3) below, every relevant offender to whom this regulation applies must give a notification under section 86(3) within three days of his return to the United Kingdom.

(3) A relevant offender to whom this regulation applies need not give a notification under section 86(3) in any case in which he gave a relevant notification under 86(2) which—

- (a) disclosed a date under the provisions of regulation 6(d) above, and
- (b) disclosed a point of arrival under the provisions of regulation 6(e) above,

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

Information to be disclosed in a notification under section 86(3)

9. A notification under section 86(3) must disclose the date of the relevant offender’s return to the United Kingdom and his point of arrival in the United Kingdom.

Giving a notification

10.—(1) Subject to paragraph (2) below, for the purpose of giving a notification under section 86(2) or 86(3), a relevant offender must attend at a police station—

- (a) which is in his local police area within the meaning of section 88(3), and
- (b) at which, pursuant to the provisions of section 87, notifications under section 83, 84 or 85 may be made.

(2) For the purpose of giving a notification under section 86(2) as required by regulation 5(3) or 7 above, a relevant offender must attend at a police station prescribed under section 87, but such a police station need not be in his local police area.

(3) A notification under section 86(2) or 86(3) must be given to a police officer, or to a person authorised by the officer in charge of the station under section 87(1)(b) for the purpose of receiving a notification under that section.

(4) A relevant offender giving a notification under section 86(2) or 86(3) must inform the person to whom he gives the notice of—

- (a) his name and other names he is using,
- (b) his home address, and
- (c) his date of birth,

as currently notified under Part 2 of the Act.

(5) A relevant offender giving a further notification under section 86(2) as required by regulation 7 above must inform the person to whom he gives the notification of the police station at which he first gave a notification in respect of the journey in question under section 86(2) .

Home Office
2004

Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in England, Wales and Northern Ireland. Separate regulations apply in Scotland. Part 2 of the Sexual Offences Act 2003 specifies that certain sex offenders are required to notify their personal details to the police. Section 86 of that Act enables regulations to make provision requiring such offenders to notify the police of their intention to travel abroad and of their return. These Regulations make provision for this notification in relation to those who intend to leave the United Kingdom for periods of 3 days or more.

Regulation 5 sets out when notification must be given of intended departures.

Section 86 specifies that the notification must disclose the date of departure from the United Kingdom, the country to which the sex offender will travel (or, if there is more than one, the first country), and the 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.

Regulations 8 and 9 deal with notification on return to the United Kingdom.

Regulation 10 sets out the procedure for giving notification.

The Regulations revoke the Sex Offenders (Notice Requirements)(Foreign Travel) Regulations 2001 made under the Sex Offenders Act 1997 which required relevant offenders intending to leave the United Kingdom for eight days or longer to notify the police 24 hours before departure. Regulation 3 makes transitional provision for those subject to the 2001 Regulations.