

This draft Statutory Instrument supersedes the draft of the same title which was laid on 9th June 2009 and published on 16th June 2009. It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Regulations laid before Parliament under section 52(5) of the Counter-Terrorism Act 2008 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2009 No.

PREVENTION AND SUPPRESSION OF TERRORISM

The Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements) Regulations 2009

Made - - - - - *****

Coming into force - - - - - *****

The Regulations are made in exercise of the powers conferred by sections 52 and 96(2) of the Counter-Terrorism Act 2008(a).

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

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements) Regulations 2009 and shall come into force twenty-one days after the day on which they are made.

(2) In these Regulations—

- (a) a reference to section 52 is a reference to section 52 of the Counter-Terrorism Act 2008, and
- (b) “the 2008 Act” means the Counter-Terrorism Act 2008.

Determination of point of arrival

2.—(1) For the purposes of section 52(2)(c) and these Regulations, a person’s point of arrival is to be determined in accordance with this regulation.

(2) Where a person will arrive in a country by rail, sea or air, the point of arrival is the station, port or airport at which the person will first disembark.

(a) 2008 c.28.

(3) Where a person will arrive in a country by any other means, the point of arrival is the place at which the person will first enter the country.

Notification of departure: requirement and content

3.—(1) This regulation applies to a person to whom the notification requirements in Part 4 of the 2008 Act apply and who intends to leave the United Kingdom for a period of three days or more.

(2) A person to whom this regulation applies must notify the required information to the police.

(3) For the purposes of this and the following regulation, the “required information” is—

- (a) the information that must be disclosed in accordance with section 52(2)(a) to (c), and
- (b) so much of the following information as the person holds—
 - (i) where the person intends to travel to more than one country outside the United Kingdom, the person’s point of arrival in each such country (other than the point of arrival specified in section 52(2)(c)),
 - (ii) the name of the carrier the person intends to use to leave the United Kingdom and to return to the United Kingdom,
 - (iii) the name of any carrier the person intends to use to travel between countries while outside the United Kingdom,
 - (iv) the address or other place at which the person intends to stay for their first night outside the United Kingdom,
 - (v) where the person intends to return to the United Kingdom on a particular date, that date, and
 - (vi) where the person intends to return to the United Kingdom at a particular point of arrival, that point of arrival.

Notification of departure: timing

4.—(1) Where a person knows any of the required information more than seven days before the date of their intended departure, the person must notify such of the required information as the person holds—

- (a) not less than seven days before that date (“the seven day notification requirement”), or
- (b) if the person has a reasonable excuse for not complying with the seven day notification requirement, as soon as practicable but in any event not less than twenty-four hours before that date.

(2) Where the person has notified the police in accordance with paragraph (1) but—

- (a) the information so notified does not contain all the required information, or
- (b) at any time prior to their intended departure, the information so notified becomes inaccurate,

the person must notify to the police the remaining required information or the changes to the required information as the case may be in accordance with the rule in paragraph (4).

(3) Where a person does not know any of the required information more than seven days before the date of their intended departure, the person must notify the required information to the police in accordance with the rule in paragraph (4).

(4) The rule is that the person must make the notification—

- (a) not less than twenty-four hours before the date of their intended departure (“the twenty-four hour notification requirement”), or
- (b) if the person has a reasonable excuse for not complying with the twenty-four hour notification requirement, as soon as practicable but in any event before the person’s departure from the United Kingdom.

Notification of return

5.—(1) This regulation applies to a person to whom the notification requirements in Part 4 of the 2008 Act apply and who returns to the United Kingdom after leaving the United Kingdom for a period of three days or more.

(2) Subject to paragraph (4), a person to whom this regulation applies must notify the following information to the police within the period of three days beginning with the day on which the person returns to the United Kingdom.

(3) The information is—

- (a) the date of the person's return to the United Kingdom, and
- (b) the person's point of arrival in the United Kingdom.

(4) Paragraph (2) does not apply to a person who notified to the police in accordance with regulation 4 a date and a point of arrival as specified in regulation 3(3)(b)(v) and (vi), and whose return to the United Kingdom was on that date and at that point of arrival.

Method of notification

6.—(1) Notification in accordance with regulation 4(1) or 5(2) must be made by the person—

- (a) attending at a police station in the person's local police area; and
- (b) making an oral notification to a police officer or to a person authorised for the purpose by the officer in charge of the station.

(2) Notification in accordance with regulation 4(2) or 4(3) must be made by the person—

- (a) attending at a police station, and
- (b) making an oral notification to a police officer or to a person authorised for the purpose by the officer in charge of the station.

(3) The person making a notification in accordance with these Regulations must inform the police officer or person to whom the notification is made of their—

- (a) name,
- (b) home address, and
- (c) date of birth.

(4) A person making a notification in accordance with regulation 4(2) must also inform the police officer or person to whom the notification is made of the police station at which the person made a notification in accordance with regulation 4(1) in respect of the intended departure.

Transitional provision

7. These Regulations do not apply to a person—

- (a) whose intended date of departure from the United Kingdom is less than eight days before the date on which these Regulations come into force, or
- (b) who is outside the United Kingdom on the date on which these Regulations come into force,

in respect of that absence from the United Kingdom.

Home Office
Date

Name
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 4 of the Counter-Terrorism Act 2008 (“the 2008 Act”) provides that certain persons convicted of, or made subject to a mental health-related finding in relation to, a terrorist or terrorist-related offence are required to notify specified information to the police in accordance with the requirements in that Part. This includes persons convicted of a corresponding foreign offence who are made subject to a notification order under Schedule 4 to the 2008 Act.

Section 52 of the Act allows the Secretary of State to make regulations imposing further notification requirements on such persons in relation to their foreign travel. Section 96(2) of the 2008 Act allows such regulations to make different provision for different categories of cases. These Regulations make provision requiring persons to whom the notification requirements in Part 4 of the 2008 Act apply who leave the United Kingdom for a period of three or more days to notify the police of their departure before they leave and of their return if they subsequently return to the United Kingdom.

Section 52 of the 2008 Act provides that a notification of departure must disclose the date on which the person intends to leave the United Kingdom, the country (or, if there is more than one, the first country) to which the person will travel, the point of arrival in that country and any other information required by the regulations. Regulation 3 specifies the further information to be disclosed before departure.

Regulation 4 makes provision for when the information that must be disclosed in a notification of departure is to be notified. Regulation 5 makes provision relating to the notification to be given on the person’s return to the United Kingdom. Regulation 6 provides the procedure for making notifications under these Regulations. Regulation 7 makes transitional provision to ensure the requirements do not have retrospective effect.

Section 54(1) of the 2008 Act makes it an offence for a person to fail without reasonable excuse to comply with these Regulations and for a person to notify any information in purported compliance with these Regulations that the person knows to be false. The maximum penalty for such an offence is five years’ imprisonment.

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