



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 4

#### NOTIFICATION REQUIREMENTS

##### *Introductory*

#### **40 Scheme of this Part**

- (1) This Part imposes notification requirements on persons dealt with in respect of certain offences—
  - (a) sections 41 to 43 specify the offences to which this Part applies;
  - (b) sections 44 to 46 make provision as to the sentences or orders triggering the notification requirements;
  - (c) sections 47 to 52 contain the notification requirements; and
  - (d) section 53 makes provision as to the period for which the requirements apply.
- (2) This Part also provides for—
  - (a) orders applying the notification requirements to persons dealt with outside the United Kingdom for corresponding foreign offences (see section 57 and Schedule 4); and
  - (b) orders imposing restrictions on travel outside the United Kingdom on persons subject to the notification requirements (see section 58 and Schedule 5).
- (3) Schedule 6 provides for the application of this Part to service offences and related matters.

##### *Offences to which this Part applies*

#### **41 Offences to which this Part applies: terrorism offences**

- (1) This Part applies to—

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- (a) an offence under any of the following provisions of the Terrorism Act 2000 (c. 11)—
    - section 11 or 12 (offences relating to proscribed organisations),
    - sections 15 to 18 (offences relating to terrorist property),
    - section 38B (failure to disclose information about acts of terrorism),
    - section 54 (weapons training),
    - sections 56 to 61 (directing terrorism, possessing things and collecting information for the purposes of terrorism and inciting terrorism outside the United Kingdom);
  - (b) an offence in respect of which there is jurisdiction by virtue of any of sections 62 to 63D of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc);
  - (c) an offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (use of noxious substances or things);
  - (d) an offence under any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)—
    - sections 1 and 2 (encouragement of terrorism),
    - sections 5, 6 and 8 (preparation and training for terrorism),
    - sections 9, 10 and 11 (offences relating to radioactive devices and material and nuclear facilities);
  - (e) an offence in respect of which there is jurisdiction by virtue of section 17 of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc).
- (2) This Part also applies to any ancillary offence in relation to an offence listed in subsection (1).
- (3) The Secretary of State may by order amend subsection (1).
- (4) Any such order is subject to affirmative resolution procedure.
- (5) An order adding an offence applies only in relation to offences dealt with after the order comes into force.
- (6) An order removing an offence has effect in relation to offences whenever dealt with, whether before or after the order comes into force.
- (7) Where an offence is removed from the list, a person subject to the notification requirements by reason of that offence being listed (and who is not otherwise subject to those requirements) ceases to be subject to them when the order comes into force.

## **42 Offences to which this Part applies: offences having a terrorist connection**

- (1) This Part applies to—
- (a) an offence as to which a court has determined under section 30 (sentences for offences with a terrorist connection: England and Wales) that the offence has a terrorist connection, and
  - (b) an offence in relation to which section 31 applies (sentences for offences with terrorist connection: Scotland).

- (2) A person to whom the notification requirements apply by virtue of such a determination as is mentioned in subsection (1)(a) may appeal against it to the same court, and subject to the same conditions, as an appeal against sentence.
- (3) If the determination is set aside on appeal, the notification requirements are treated as never having applied to that person in respect of the offence.
- (4) Where an order is made under section 33 removing an offence from the list in Schedule 2, a person subject to the notification requirements by reason of that offence being so listed (and who is not otherwise subject to those requirements) ceases to be subject to them when the order comes into force.

#### **43 Offences dealt with before commencement**

- (1) This Part applies to a person dealt with for an offence before the commencement of this Part only if—
  - (a) the offence is on the commencement of this Part within section 41(1) or (2) (offences to which this Part applies: terrorism offences), and
  - (b) immediately before the commencement of this Part the person—
    - (i) is imprisoned or detained in pursuance of the sentence passed or order made in respect of the offence,
    - (ii) would be so imprisoned or detained but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or
    - (iii) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence.
- (2) In relation to a person dealt with for an offence before the commencement of this Part—
  - (a) any reference in this Part to a sentence or order under a specified statutory provision includes a sentence or order under any corresponding earlier statutory provision;
  - (b) any reference in this Part to a person being or having been found to be under a disability and to have done the act charged against them in respect of an offence includes a reference to their being or having been found—
    - (i) unfit to be tried for the offence,
    - (ii) insane so that their trial for the offence cannot or could not proceed, or
    - (iii) unfit to be tried and to have done the act charged against them in respect of the offence.

#### *Persons to whom the notification requirements apply*

#### **44 Persons to whom the notification requirements apply**

The notification requirements apply to a person who—

- (a) is aged 16 or over at the time of being dealt with for an offence to which this Part applies, and
- (b) is made subject in respect of the offence to a sentence or order within section 45 (sentences or orders triggering notification requirements).

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## 45 Sentences or orders triggering notification requirements

- (1) The notification requirements apply to a person who in England and Wales—
- (a) has been convicted of an offence to which this Part applies and sentenced in respect of the offence to—
    - (i) imprisonment or custody for life,
    - (ii) imprisonment or detention in a young offender institution for a term of 12 months or more,
    - (iii) imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (c. 44),
    - (iv) detention for life or for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (offenders under 18 convicted of certain serious offences),
    - (v) a detention and training order for a term of 12 months or more under section 100 of that Act (offenders under age of 18),
    - (vi) detention for public protection under section 226 of the Criminal Justice Act 2003 (serious offences committed by persons under 18), or
    - (vii) detention during Her Majesty’s pleasure; or
  - (b) has been—
    - (i) convicted of an offence to which this Part applies carrying a maximum term of imprisonment of 12 months or more,
    - (ii) found not guilty by reason of insanity of such an offence, or
    - (iii) found to be under a disability and to have done the act charged against them in respect of such an offence,
 and made subject in respect of the offence to a hospital order.
- (2) The notification requirements apply to a person who in Scotland—
- (a) has been convicted of an offence to which this Part applies and sentenced in respect of the offence to—
    - (i) imprisonment or detention in a young offenders institution for life,
    - (ii) imprisonment or detention in a young offenders institution for a term of 12 months or more,
    - (iii) an order for lifelong restriction under section 210F of the Criminal Procedure (Scotland) Act 1995 (c. 46),
    - (iv) detention without limit of time under section 205(2) of that Act (punishment for murder for offenders under 18), or
    - (v) detention for a period of 12 months or more under section 208 of that Act (detention of children convicted on indictment); or
  - (b) has been—
    - (i) convicted of an offence to which this Part applies carrying a maximum term of imprisonment of 12 months or more,
    - (ii) acquitted of such an offence on grounds of insanity at the time of the act or omission constituting the offence, or
    - (iii) found, following an examination of facts under section 55 of the Criminal Procedure (Scotland) Act 1995 (insanity in bar of trial: examination of facts) in relation to such an offence, to have done the act or omission constituting the offence,
 and made subject in respect of the offence to a hospital order.

- (3) The notification requirements apply to a person who in Northern Ireland—
- (a) has been convicted of an offence to which this Part applies and sentenced in respect of the offence to—
    - (i) imprisonment for life,
    - (ii) imprisonment or detention in a young offenders centre for a term of 12 months or more,
    - (iii) an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
    - (iv) an extended custodial sentence under Article 14(5) of that Order (offenders under 21 convicted of certain offences),
    - (v) a juvenile justice centre order under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) for a period of 12 months or more,
    - (vi) detention during the pleasure of the Secretary of State under Article 45(1) of that Order (punishment of certain grave crimes committed by a child), or
    - (vii) detention under Article 45(2) of that Order for a period of 12 months or more (other serious offences committed by a child); or
  - (b) has been—
    - (i) convicted of an offence to which this Part applies carrying a maximum term of imprisonment of 12 months or more,
    - (ii) found not guilty by reason of insanity of such an offence, or
    - (iii) found to be unfit to be tried and to have done the act charged against them in respect of such an offence,and made subject in respect of the offence to a hospital order.
- (4) The references in this section to an offence carrying a maximum term of imprisonment of 12 months or more—
- (a) are to an offence carrying such a maximum term in the case of a person who has attained the age of 21 (18 in relation to England and Wales), and
  - (b) include an offence carrying in the case of such a person a maximum term of life imprisonment and an offence for which in the case of such a person the sentence is fixed by law as life imprisonment.
- (5) In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) subsection (4)(a) above has effect with the omission of the words “(18 in relation to England and Wales)”.

#### **46 Power to amend specified terms or periods of imprisonment or detention**

- (1) The Secretary of State may by order amend the provisions of section 45 referring to a specified term or period of imprisonment or detention.
- (2) An order reducing a specified term or period has effect only in relation to persons dealt with after the order comes into force.
- (3) Where an order increases a specified term or period—
- (a) it has effect in relation to persons dealt with at any time, whether before or after the order comes into force, and

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- (b) a person who would not have been subject to the notification requirements if the order had been in force when the offence was dealt with (and who is not otherwise subject to those requirements) ceases to be subject to the requirements when the order comes into force.
- (4) An order under this section is subject to affirmative resolution procedure.

### *Notification requirements*

#### **47 Initial notification**

- (1) A person to whom the notification requirements apply must notify the following information to the police within the period of three days beginning with the day on which the person is dealt with in respect of the offence in question.
- (2) The information required is—
  - (a) date of birth;
  - (b) national insurance number;
  - (c) name on the date on which the person was dealt with in respect of the offence (where the person used one or more other names on that date, each of those names);
  - (d) home address on that date;
  - (e) name on the date on which notification is made (where the person uses one or more other names on that date, each of those names);
  - (f) home address on the date on which notification is made;
  - (g) address of any other premises in the United Kingdom at which, at the time the notification is made, the person regularly resides or stays;
  - (h) any prescribed information.
- (3) In subsection (2) “prescribed” means prescribed by regulations made by the Secretary of State.  
Such regulations are subject to affirmative resolution procedure.
- (4) In determining the period within which notification is to be made under this section, there shall be disregarded any time when the person is—
  - (a) remanded in or committed to custody by an order of a court,
  - (b) serving a sentence of imprisonment or detention,
  - (c) detained in a hospital, or
  - (d) detained under the Immigration Acts.
- (5) This section does not apply to a person who—
  - (a) is subject to the notification requirements in respect of another offence (and does not cease to be so subject before the end of the period within which notification is to be made), and
  - (b) has complied with this section in respect of that offence.
- (6) In the application of this section to a person dealt with for an offence before the commencement of this Part who, immediately before commencement—
  - (a) would be imprisoned or detained in respect of the offence but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or

- (b) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence,

the reference in subsection (1) to the day on which the person is dealt with in respect of the offence shall be read as a reference to the commencement of this Part.

#### **48 Notification of changes**

- (1) A person to whom the notification requirements apply who uses a name that has not previously been notified to the police must notify the police of that name.
- (2) If there is a change of the home address of a person to whom the notification requirements apply, the person must notify the police of the new home address.
- (3) A person to whom the notification requirements apply who resides or stays at premises in the United Kingdom the address of which has previously not been notified to the police—
  - (a) for a period of 7 days, or
  - (b) for two or more periods, in any period of 12 months, that taken together amount to 7 days,must notify the police of the address of those premises.
- (4) A person to whom the notification requirements apply who is released—
  - (a) from custody pursuant to an order of a court,
  - (b) from imprisonment or detention pursuant to a sentence of a court,
  - (c) from detention in a hospital, or
  - (d) from detention under the Immigration Acts,must notify the police of that fact.

This does not apply if the person is at the same time required to notify the police under section 47 (initial notification).

- (5) A person who is required to notify information within section 47(2)(h) (prescribed information) must notify the police of the prescribed details of any prescribed changes in that information.
- (6) In subsection (5) “prescribed” means prescribed by regulations made by the Secretary of State.

Such regulations are subject to affirmative resolution procedure.

- (7) Notification under this section must be made before the end of the period of three days beginning with the day on which the event in question occurs.

Where subsection (3) applies that is the day with which the period referred to in paragraph (a) or (b) (as the case may be) ends.

- (8) In determining the period within which notification is to be made under this section, there shall be disregarded any time when the person is—
  - (a) remanded in or committed to custody by an order of a court,
  - (b) serving a sentence of imprisonment or detention,
  - (c) detained in a hospital, or
  - (d) detained under the Immigration Acts.

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- (9) References in this section to previous notification are to previous notification by the person under section 47 (initial notification), this section, section 49 (periodic re-notification) or section 56 (notification on return after absence from UK).
- (10) Notification under this section must be accompanied by re-notification of the other information mentioned in section 47(2).

#### **49 Periodic re-notification**

- (1) A person to whom the notification requirements apply must, within the period of one year after last notifying the police in accordance with—
- (a) section 47 (initial notification),
  - (b) section 48 (notification of change),
  - (c) this section, or
  - (d) section 56 (notification on return after absence from UK),
- re-notify to the police the information mentioned in section 47(2).
- (2) Subsection (1) does not apply if the period referred to in that subsection ends at a time when the person is—
- (a) remanded in or committed to custody by an order of a court,
  - (b) serving a sentence of imprisonment or detention,
  - (c) detained in a hospital, or
  - (d) detained under the Immigration Acts.
- (3) In that case section 48(4) and (10) (duty to notify of release and to re-notify other information) apply when the person is released.

#### **50 Method of notification and related matters**

- (1) This section applies to notification under—
- (a) section 47 (initial notification),
  - (b) section 48 (notification of change),
  - (c) section 49 (periodic re-notification), or
  - (d) section 56 (notification on return after absence from UK).
- (2) Notification 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.
- (3) A person making a notification under section 48 (notification of change) in relation to premises referred to in subsection (3) of that section may make the notification at a police station that would fall within subsection (2)(a) above if the address of those premises were the person's home address.
- (4) The notification must be acknowledged.
- (5) The acknowledgement must be in writing, and in such form as the Secretary of State may direct.
- (6) The person making the notification must, if requested to do so by the police officer or person to whom the notification is made, allow the officer or person to—



- (a) take the person's fingerprints,
  - (b) photograph any part of the person, or
  - (c) do both these things,
- for the purpose of verifying the person's identity.

(7) In the application of this section to Scotland, references to a police officer are to be read as references to a constable.

## **51 Meaning of “local police area”**

(1) For the purposes of section 50(2) (method of notification) a person's “local police area” means—

- (a) the police area in which the person's home address is situated;
- (b) in the absence of a home address, the police area in which the home address last notified is situated;
- (c) in the absence of a home address and of any such notification, the police area in which the court of trial was situated.

(2) In subsection (1)(c) “the court of trial” means—

- (a) the court by or before which the conviction or finding was made by virtue of which the notification requirements apply to the person, or
- (b) if that conviction or finding was one substituted on an appeal or reference, the court by or before which the proceedings were taken from which the appeal or reference was brought.

(3) This section and section 50(2) apply in relation to Northern Ireland as if Northern Ireland were a police area.

## **52 Travel outside the United Kingdom**

(1) The Secretary of State may by regulations make provision requiring a person to whom the notification requirements apply who leaves the United Kingdom—

- (a) to notify the police of their departure before they leave, and
- (b) to notify the police of their return if they subsequently return to the United Kingdom.

(2) Notification of departure must disclose—

- (a) the date on which the person intends to leave the United Kingdom;
- (b) the country (or, if there is more than one, the first country) to which the person will travel;
- (c) the person's point of arrival (determined in accordance with the regulations) in that country;
- (d) any other information required by the regulations.

(3) Notification of return must disclose such information as is required by the regulations about the person's return to the United Kingdom.

(4) Notification under this section must be given in accordance with the regulations.

(5) Regulations under this section are subject to affirmative resolution procedure.

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*Period for which notification requirements apply*

**53 Period for which notification requirements apply**

- (1) The period for which the notification requirements apply is—
- (a) 30 years in the case of a person who—
    - (i) is aged 18 or over at the time of conviction for the offence, and
    - (ii) receives in respect of the offence a sentence within subsection (2);
  - (b) 15 years in the case of a person who—
    - (i) is aged 18 or over at the time of conviction for the offence, and
    - (ii) receives in respect of the offence a sentence within subsection (3);
  - (c) 10 years in any other case.
- (2) The sentences in respect of which a 30 year period applies are—
- (a) in England and Wales—
    - (i) imprisonment or custody for life,
    - (ii) imprisonment or detention in a young offender institution for a term of 10 years or more,
    - (iii) imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (c. 44),
    - (iv) detention during Her Majesty’s pleasure;
  - (b) in Scotland—
    - (i) imprisonment or detention in a young offenders institution for life,
    - (ii) imprisonment or detention in a young offenders institution for a term of 10 years or more,
    - (iii) an order for lifelong restriction under section 210F of the Criminal Procedure (Scotland) Act 1995 (c. 46);
  - (c) in Northern Ireland—
    - (i) imprisonment for life,
    - (ii) imprisonment for a term of 10 years or more,
    - (iii) an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
    - (iv) an extended custodial sentence for a term of 10 years or more under Article 14(5) of that Order (offenders under 21 convicted of certain offences),
    - (v) detention during the pleasure of the Secretary of State under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)).
- (3) The sentences in respect of which a 15 year period applies are—
- (a) in England and Wales, imprisonment or detention in a young offender institution for a term of 5 years or more but less than 10 years;
  - (b) in Scotland, imprisonment or detention in a young offenders institution for a term of 5 years or more but less than 10 years;
  - (c) in Northern Ireland—
    - (i) imprisonment for a term of 5 years or more but less than 10 years,
    - (ii) an extended custodial sentence for a term of 5 years or more but less than 10 years under Article 14(5) of the Criminal Justice (Northern

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Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (offenders under 21 convicted of certain offences).

- (4) The period begins with the day on which the person is dealt with for the offence.
- (5) If a person who is the subject of a finding within section 45(1)(b)(iii), (2)(b)(iii) or (3)(b)(iii) (finding of disability, etc) is subsequently tried for the offence, the period resulting from that finding ends—
  - (a) if the person is acquitted, at the conclusion of the trial;
  - (b) if the person is convicted, when the person is again dealt with in respect of the offence.
- (6) For the purposes of determining the length of the period—
  - (a) a person who has been sentenced in respect of two or more offences to which this Part applies to consecutive terms of imprisonment is treated as if sentenced, in respect of each of the offences, to a term of imprisonment equal to the aggregate of the terms; and
  - (b) a person who has been sentenced in respect of two or more such offences to concurrent terms of imprisonment (X and Y) that overlap for a period (Z) is treated as if sentenced, in respect of each of the offences, to a term of imprisonment equal to X plus Y minus Z.
- (7) In determining whether the period has expired, there shall be disregarded any period when the person was—
  - (a) remanded in or committed to custody by an order of a court,
  - (b) serving a sentence of imprisonment or detention,
  - (c) detained in a hospital, or
  - (d) detained under the Immigration Acts.

#### *Offences in relation to notification*

### **54 Offences relating to notification**

- (1) A person commits an offence who—
  - (a) fails without reasonable excuse to comply with—
    - section 47 (initial notification),
    - section 48 (notification of changes),
    - section 49 (periodic re-notification),
    - section 50(6) (taking of fingerprints or photographs),
    - any regulations made under section 52(1) (travel outside United Kingdom), or
    - section 56 (notification on return after absence from UK); or
  - (b) notifies to the police in purported compliance with—
    - section 47 (initial notification),
    - section 48 (notification of changes),
    - section 49 (periodic re-notification),
    - any regulations made under section 52(1) (travel outside United Kingdom), or
    - section 56 (notification on return after absence from UK),any information that the person knows to be false.

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- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.
- (3) In the application of subsection (2)(a)—
- (a) in England and Wales, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), or
  - (b) in Northern Ireland,
- for “12 months” substitute “6 months”.
- (4) A person—
- (a) commits an offence under subsection (1)(a) above on the day on which the person first fails without reasonable excuse to comply with—
    - section 47 (initial notification),
    - section 48 (notification of changes),
    - section 49 (periodic re-notification),
    - any regulations made under section 52(1) (travel outside United Kingdom), or
    - section 56 (notification on return after absence from UK), and
  - (b) continues to commit it throughout any period during which the failure continues.

But a person must not be prosecuted under subsection (1) more than once in respect of the same failure.

- (5) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence resides or is found.

## **55 Effect of absence abroad**

- (1) If a person to whom the notification requirements apply is absent from the United Kingdom for any period the following provisions apply.
- (2) During the period of absence the period for which the notification requirements apply continues to run.
- (3) The period of absence does not affect the obligation under section 47 (initial notification).
- This is subject to subsection (4).
- (4) Section 47 does not apply if—
- (a) the period of absence begins before the end of the period within which notification must be made under that section, and
  - (b) the person’s absence results from the person’s removal from the United Kingdom.
- (5) Section 48 (notification of changes)—
- (a) applies in relation to an event that occurs before the period of absence, but
  - (b) does not apply in relation to an event that occurs during the period of absence.

Paragraph (a) is subject to subsection (6).

- (6) Section 48 does not apply in relation to an event that occurs before the period of absence if—
- (a) the period of absence begins before the end of the period within which notification must be made under that section, and
  - (b) the person's absence results from the person's removal from the United Kingdom.
- (7) Section 49 (periodic re-notification) does not apply if the period referred to in subsection (1) of that section ends during the period of absence.
- (8) Section 53(7) (disregard of period of custody etc) applies in relation to the period of absence as if it referred to any period when the person was—
- (a) remanded in or committed to custody by an order of a court outside the United Kingdom,
  - (b) serving a sentence of imprisonment or detention imposed by such a court,
  - (c) detained in a hospital pursuant to an order of such a court that is equivalent to a hospital order, or
  - (d) subject to a form of detention outside the United Kingdom that is equivalent to detention under the Immigration Acts.
- (9) References in this section and section 56 to a person's removal from the United Kingdom include—
- (a) the person's removal from the United Kingdom in accordance with the Immigration Acts,
  - (b) the person's extradition from the United Kingdom, or
  - (c) the person's transfer from the United Kingdom to another country pursuant to a warrant under section 1 of the Repatriation of Prisoners Act 1984 (c. 47).

## **56 Notification on return after absence from UK**

- (1) This section applies if, before the end of the period for which the notification requirements apply, a person to whom the requirements apply returns to the United Kingdom after a period of absence and—
- (a) the person was not required to make a notification under section 47 (initial notification),
  - (b) there has been a change to any of the information last notified to the police in accordance with—
    - (i) section 47,
    - (ii) section 48 (notification of changes),
    - (iii) section 49 (periodic re-notification), or
    - (iv) this section, or
  - (c) the period referred to in section 49(1) (period after which re-notification required) ended during the period of absence.
- (2) The person must notify or (as the case may be) re-notify to the police the information mentioned in section 47(2) within the period of three days beginning with the day of return.

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- (3) In determining the period within which notification is to be made under this section, there shall be disregarded any time when the person is—
- (a) remanded in or committed to custody by an order of a court,
  - (b) serving a sentence of imprisonment or detention,
  - (c) detained in a hospital, or
  - (d) detained under the Immigration Acts.
- (4) This section does not apply if—
- (a) the person subsequently leaves the United Kingdom,
  - (b) the period of absence begins before the end of the period within which notification must be made under this section, and
  - (c) the person's absence results from the person's removal from the United Kingdom.
- (5) The obligation under this section does not affect any obligation to notify information under section 52(3) (regulations requiring notification of return etc).

#### *Supplementary provisions*

### **57 Notification orders**

Schedule 4 makes provision for notification orders applying the notification requirements of this Part to persons who have been dealt with outside the United Kingdom in respect of a corresponding foreign offence.

### **58 Foreign travel restriction orders**

Schedule 5 makes provision for foreign travel restriction orders prohibiting persons to whom the notification requirements apply from—

- (a) travelling to a country outside the United Kingdom named or described in the order,
- (b) travelling to any country outside the United Kingdom other than a country named or described in the order, or
- (c) travelling to any country outside the United Kingdom.

### **59 Application of Part to service offences and related matters**

Schedule 6 makes provision for the application of this Part to service offences and related matters.

### **60 Minor definitions for Part 4**

In this Part—

“country” includes a territory;

“detained in a hospital” means detained in a hospital under—

- (a) Part 3 of the Mental Health Act 1983 (c. 20),
- (b) Part 6 of the Criminal Procedure (Scotland) Act 1995 (c. 46) or the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), or

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- (c) Part 3 of the Mental Health (Northern Ireland) Order (S.I. 1986/595 (N.I. 4));  
“home address” means, in relation to a person—
  - (a) the address of the person’s sole or main residence in the United Kingdom, or
  - (b) where the person has no such residence, the address or location of a place in the United Kingdom where the person can regularly be found and, if there is more than one such place, such one of those places as the person may select;“hospital order” means—
  - (a) a hospital order within the meaning of the Mental Health Act 1983,
  - (b) an order under Part 6 of the Criminal Procedure (Scotland) Act 1995, or
  - (c) a hospital order within the meaning of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));“passport” means—
  - (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (c. 77), or
  - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom or by or on behalf of an international organisation, and includes any document that can be used (in some or all circumstances) instead of a passport;“photograph” includes any process by means of which an image may be produced;
- “release” from imprisonment or detention includes release on licence but not temporary release.

## **61 References to a person being “dealt with” for an offence**

- (1) References in this Part to a person being dealt with for or in respect of an offence are to their being sentenced, or made subject to a hospital order, in respect of the offence.  
  
References in this Part to an offence being dealt with are to a person being dealt with in respect of the offence.
- (2) Subject to the following provisions of this section, references in this Part to the time at which a person is dealt with for an offence are to the time at which they are first dealt with—
  - (a) in England and Wales, by a magistrates' court or the Crown Court;
  - (b) in Scotland, by a sheriff or by the High Court of Justiciary;
  - (c) in Northern Ireland, by the county court.

This is referred to below as “the original decision”.

- (3) Where the original decision is varied (on appeal or otherwise), then—
  - (a) if the result is that the conditions for application of the notification requirements to a person in respect of an offence cease to be met (and paragraph (c) below does not apply), the notification requirements are treated as never having applied to that person in respect of that offence;
  - (b) if the result is that the conditions for application of the notification requirements to a person in respect of an offence are met where they were not previously met (and paragraph (c) below does not apply)—

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- (i) the person is treated as dealt with for the offence when the variation takes place, and
  - (ii) the notification requirements apply accordingly;
- (c) if—
- (i) a conviction of, or finding in relation to, a different offence is substituted, and
  - (ii) the conditions for application of the notification requirements were met in respect of the original offence and are also met in respect of the substituted offence,

the person is treated as if they had been dealt with for the substituted offence at the time of the original decision;

- (d) if the sentence is varied so as to become one by virtue of which the notification requirements would apply for a different period, the period for which those requirements apply shall be determined as if the sentence as varied had been imposed at the time of the original decision;
  - (e) in any other case, the variation is disregarded.
- (4) For the purposes of—
- (a) section 41(5) (effect of order adding offence to list of terrorism offences),
  - (b) section 44(a) or paragraph 4(a) of Schedule 6 (persons subject to notification requirements: age when dealt with for offence),
  - (c) section 46(2) or paragraph 6(2) of Schedule 6 (effect of order reducing term or period triggering notification requirements),
  - (d) section 53(5)(b) or paragraph 7(5)(b) of Schedule 6 (period for which notification requirements apply: ending of period resulting from finding of disability etc where person subsequently tried), and
  - (e) paragraph 2(3) of Schedule 5 (conditions for making foreign travel restriction order: behaviour since offence dealt with),

a person is treated as dealt with at the time of the original decision and any subsequent variation of the decision is disregarded.

- (5) For the purposes of—
- (a) section 43(1) and (2) or paragraph 3(1) and (2) of Schedule 6 (application of Part to offences dealt with before commencement), and
  - (b) paragraph 2(4) of Schedule 5 (conditions for making foreign travel restriction order where offence dealt with before commencement),

a person is dealt with for an offence before the commencement of this Part if the time of the original decision falls before the commencement of this Part.

Where in such a case subsection (3) above applies for the purposes of any provision of this Part, that subsection has effect as if the provisions of this Part had been in force at all material times.

- (6) In section 47(6) (adaptation of initial notification requirements in case of offence dealt with before commencement)—
- (a) the reference in the opening words to an offence dealt with before the commencement of this Part is to an offence where the time of the original decision falls before the commencement of this Part, and
  - (b) the reference in the closing words to when the offence is dealt with has the same meaning as in subsection (1) of that section.



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- (7) References in this section to the variation of a decision include any proceedings by which the decision is altered, set aside or quashed, or in which a further decision is come to following the setting aside or quashing of the decision.