

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Variation, renewal or discharge of order. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### FOREIGN TRAVEL RESTRICTION ORDERS

##### *Variation, renewal or discharge of order*

- 8 (1) In England and Wales an application for an order varying, renewing or discharging a foreign travel restriction order may be made by—
- (a) the person subject to the order;
  - (b) the chief officer of police on whose application the order was made;
  - (c) the chief officer of police for the area in which the person subject to the order resides; or
  - (d) a chief officer of police who believes that the person subject to the order is in, or is intending to come to, the officer's police area.
- (2) The application must be made by complaint to—
- (a) a magistrates' court for the same area as the court that made the order,
  - (b) a magistrates' court for the area in which the person subject to the order resides, or
  - (c) where the application is made by a chief officer of police, any magistrates' court whose commission area includes any part of that chief officer's police area.
- (3) On an application under this paragraph the court may make such order varying, renewing or discharging the foreign travel restriction order as it considers appropriate.
- (4) Before doing so it must hear the person making the application and (if they wish to be heard) the other persons mentioned in sub-paragraph (1).

#### **Commencement Information**

**II** Sch. 5 para. 8 in force at 1.10.2009 by S.I. 2009/1493, art. 2(c)

- 9 (1) In Scotland an application for an order varying, renewing or discharging a foreign travel restriction order may be made by—
- (a) the person subject to the order;
  - [<sup>F1</sup>(b) the chief constable of the Police Service of Scotland.]
  - <sup>F2</sup>(c) .....
  - <sup>F2</sup>(d) .....
- (2) The application must be made by summary application—
- <sup>F3</sup>(a) .....
  - (b) to a sheriff—

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Variation, renewal or discharge of order. (See end of Document for details)*

- (i) within whose sheriffdom the person subject to the order resides, or  
<sup>F4</sup>(ii) .....
- (3) A record of evidence is to be kept on any summary application under this paragraph.
- (4) On an application under this paragraph the sheriff may make such order varying, renewing or discharging the foreign travel restriction order as the sheriff considers appropriate.
- (5) Before doing so the sheriff must hear the person making the application and (if they wish to be heard) the other persons mentioned in sub-paragraph (1).

#### Textual Amendments

- F1** Sch. 5 para. 9(1)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 60(8)(e)(ii)**
- F2** Sch. 5 para. 9(1)(c)(d) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 60(8)(e)(iii)**
- F3** Sch. 5 para. 9(2)(a) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 60(8)(f)**
- F4** Sch. 5 para. 9(2)(b)(ii) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 60(8)(f)**

#### Commencement Information

- I2** Sch. 5 para. 9 in force at 1.10.2009 by S.I. 2009/1493, **art. 2(c)**

- 10 (1) In Northern Ireland an application for an order varying, renewing or discharging a foreign travel restriction order may be made by—
- (a) the person subject to the order; or
- (b) the Chief Constable of the Police Service of Northern Ireland.
- (2) The application must be made by complaint under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) to a court of summary jurisdiction <sup>F5</sup>....
- (3) On an application under this paragraph the court may make such order varying, renewing or discharging the foreign travel restriction order as it considers appropriate.
- (4) It may do so only after hearing the person making the application and (if they wish to be heard) the other person mentioned in sub-paragraph (1).

#### Textual Amendments

- F5** Words in Sch. 5 para. 10(2) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 135, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

#### Commencement Information

- I3** Sch. 5 para. 10 in force at 1.10.2009 by S.I. 2009/1493, **art. 2(c)**

**Status:**

Point in time view as at 31/10/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross  
Heading: Variation, renewal or discharge of order.