SCOTTISH STATUTORY INSTRUMENTS

2004 No. 205

CRIMINAL LAW

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

Made - - - -	*29th April 2004*
Coming into force - -	*1st May 2004*

The Scottish Ministers, in exercise of the powers conferred by section 86 of the Sexual Offences Act 2003(**1**), hereby make the following Regulations, a draft of which has, in accordance with section 138(2) of that Act, been laid before, and approved by resolution of, the Scottish Parliament:

Citation and extent

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

(2) These Regulations extend to Scotland and, in so far as regulation 10 extends beyond Scotland, it does so only as a matter of Scots law.

Interpretation

2. In these Regulations:

(a) a reference to a numbered section or Part is to the section or Part 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) (Scotland) Regulations 2001(**2**).

Commencement, application and revocation

3.—(1) These Regulations shall come into force on 1st May 2004.

(**1**) 2003 c. 42. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 142(6) of the Sexual Offences Act 2003 (the "2003 Act") and section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.S.I. 2001/188 which were made under section 2 of the Sex Offenders Act 1997 (c. 51), which is repealed and re enacted with modifications by the 2003 Act.

(2) These Regulations shall not apply where a relevant offender(**3**) intends to leave the United Kingdom for a period of less than eight days if that offender's 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, that offender's point of arrival is the station, port or airport at which that offender 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, that offender's point of arrival is the place at which that offender 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) more than seven days before the date of that offender's departure that offender shall give a notification which sets out that information:–

(a) not less than seven days before that date (the seven day notification requirement); or

(b) as soon as reasonably practicable but no later than 24 hours before departure, if and only if a relevant offender has a reasonable excuse for not complying with the seven day notification requirement.

(3) Where a 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 that departure, that offender shall give, not less than 24 hours before that date, a notification under section 86(2).

Other 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 notification under section 86(2) must disclose, where the relevant offender holds such information:–

(a) where that offender intends to travel to more than one country outside the United Kingdom, that offender's intended point of arrival in each such additional country;

(**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 that Act.

(**4**) 1997 c. 51; section 2(6E) was inserted by the Criminal Justice and Court Services Act 2000 (c. 43), section 66, Schedule 5 paragraph 4.

(b) the identity of any carrier or carriers that offender intends to use for the purposes of that offender's departure from and return to the United Kingdom, and of travelling to any other point of arrival;

(c) details of that offender's accommodation arrangements for that offender's first night outside the United Kingdom;

(d) in a case in which that offender intends to return to the United Kingdom on a particular date, that date; and

(e) in a case in which that offender 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 that offender's 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 that offender currently holds,

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

(2) A further notification under paragraph (1) 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 that offender's 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 that offender 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 that 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 86(3)

9. A notification under section 86(3) must disclose the date of the relevant offender's return to the United Kingdom and the relevant offender's 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), as required by regulation 5(2), or under 86(3), a relevant offender must attend at a police station–

(a) which is in that offender's local police area within the meaning of section 88(3); and