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

2012 No.

CRIMINAL LAW, ENGLAND AND WALES

The Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012

Made - - - - 2012

Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by sections 83(5) and (5A), 84(1) and (5A), 85(5), 86 and 138(4) of the Sexual Offences Act 2003(**1**), makes the following Regulations.

In accordance with section 138(2) of that Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012.

(2) These Regulations come into force 28 days after the day on which they are made.

(3) These Regulations extend to England and Wales only.

Interpretation

2. In these Regulations—

"the 2003 Act" means the Sexual Offences Act 2003;

(**1**) 2003 c.42. Section 83 was amended by section 142(1) of, and paragraph 54(1) of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c.4). Section 84 was amended by section 142(2) to (5) of the Criminal Justice and Immigration Act 2008. Section 85 was amended by section 142(6) to (9) of the Criminal Justice and Immigration Act 2008. Section 86 was amended by Part 4 of Schedule 28 to the Criminal Justice and Immigration Act 2008. Section 138(2) was amended by section 142(10) of the Criminal Justice and Immigration Act 2008. Section 138(4) was amended by paragraph 57 of Schedule 26 to the Criminal Justice and Immigration Act 2008 and paragraph 2 of Schedule 2 to the Policing and Crime Act 2009 (c. 26). Sections 83(5A), 84(5A), 86 and 138(4) were amended by article 12 of, and paragraph 77 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), by virtue of which functions conferred on the Secretary of State in these sections in relation to Northern Ireland were transferred to the Department of Justice (Northern Ireland).

"the 2004 Regulations" means the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004(**2**);

"banking institution" means a bank, building society or other institution which provides banking services;

"business" includes any trade, profession or vocation;

"child" means a person aged under 18 years;

"credit card" means a card which is a credit-token within the meaning of section 14(1)(b) of the Consumer Credit Act 1974(**3**);

"credit card provider" means a bank, building society or other institution which provides a credit card;

"debit card" means a card the use of which by its holder to make a payment results in a current account of the holder at a banking institution being debited with the payment;

"identity document" has the same meaning as in the Identity Documents Act 2010(**4**) but does not include a stamp or label; and

"relevant household" means a household or other place—

(a) where a child resides or stays, and

(b) to which the public do not have access (whether for payment or not).

Transitional provision: travel notification requirements

3. A relevant offender who intends to leave the United Kingdom for a period of less than three days is not required to give notification in accordance with regulation 5(1) of the 2004 Regulations if his intended date of departure is on or before the date 14 days after these Regulations come into force.

Amendment of the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004

4. The 2004 Regulations are amended in accordance with regulations 5 to 8 of these Regulations.

5. In regulation 5 of the 2004 Regulations—

(a) in paragraph (1) omit "for a period of three days or longer";

(b) in paragraph (3) for "24 hours" substitute "12 hours".

6. For regulation 6 of the 2004 Regulations substitute—

"**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 dates on which he intends to stay in any country to which he intends to travel,

(c) details of his accommodation arrangements in any country to which he intends to travel,

(**2**) S.I. 2004/1220.
(**3**) 1974 c.39.
(**4**) 2010 c.40.

(d) 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,

(e) in a case in which he intends to return to the United Kingdom on a particular date, that date, and

(f) in a case in which he intends to return to the United Kingdom at a particular point of arrival, that point of arrival.".

7. In regulation 7 of the 2004 Regulations—

(a) in paragraph (2) for "24 hours" substitute "12 hours";

(b) after paragraph (2) add—

"(3) The relevant offender may not give notification under paragraph (2) less than 24 hours before the date of his intended departure unless he has a reasonable excuse for being unable to give such notification before that time.".

8. In regulation 8 of the 2004 Regulations—

(a) in paragraph (3)(a) for "6(d)" substitute "6(e)";

(b) in paragraph (3)(b) for "6(e)" substitute "6(f)".

Periodic notification of address where there is no sole or main residence

9. For the purposes of section 85(5)(a) of the 2003 Act, the applicable period means the period of seven days.

Notification to be given by relevant offender residing or staying at a relevant household

10.—(1) The information set out in paragraph (2) is prescribed for the purposes of section 83(5)(h) of the 2003 Act in a case where a relevant offender (R) resides, or stays for a period of at least 12 hours, at a relevant household.

(2) The information which R must notify is—

(a) the date on which R begins to reside or stay at a relevant household,

(b) the address of the relevant household, and

(c) where R holds such information, the period or periods for which R intends to reside or stay at the relevant household.

11.—(1) The changes in circumstances set out in paragraph (2) are prescribed for the purposes of section 84(1)(ca) of the 2003 Act.

(2) The changes of circumstance are where the relevant offender (R)—

(a) resides, or stays for a period of at least 12 hours, at a relevant household in relation to which there has been no notification under section 83(1);

(b) ceases to reside or stay at a relevant household in relation to which there has been a notification under section 83(1).

(3) A notification given under section 84(1) of the 2003 Act must disclose the date from which R resides or stays, or the date on which R ceases to reside or stay, at a relevant household.

Notification of information about bank accounts and credit cards

12.—(1) The information set out in paragraphs (2) to (7) is prescribed for the purposes of section 83(5)(h) of the 2003 Act in a case where a relevant offender (R) holds—

(a) an account with a banking institution in R's name, or in R's name and the name of another person, and in relation to each such account, the information specified in paragraph (2);

(b) an account with a banking institution in the name of an unincorporated business which is run by R, or run by R and another person, and in relation to each such account, the information specified in paragraph (3);

(c) a debit card in relation to any account of which notification is given in accordance with sub-paragraph (a) or (b), and in relation to each such debit card, the information specified in paragraph (4);

(d) an account with a credit card provider in R's name, or in R's name and the name of another person, and in relation to each such account, the information specified in paragraph (5);

(e) an account with a credit card provider in the name of an unincorporated business which is run by R, or run by R and another person, and in relation to each such account, the information specified in paragraph (6); or

(f) a credit card in relation to any account of which notification is given in accordance with sub-paragraph (d) or (e), and in relation to each such credit card, the information specified in paragraph (7).

(2) The information specified for the purposes of paragraph (1)(a) is—

(a) the name of each banking institution with which R holds an account;

(b) the address of the office at which each account is held and, if that office is outside the United Kingdom, the address of the principal office in the United Kingdom (if any) of the banking institution;

(c) the number of each account; and

(d) the sort code in relation to each account.

(3) The information specified for the purposes of paragraph (1)(b) is—

(a) the information specified in paragraph (2); and

(b) the name of the business in whose name the account is held.

(4) The information specified for the purposes of paragraph (1)(c) is—

(a) the card number in relation to each debit card;

(b) the validation date of each debit card;

(c) the expiry date of each debit card; and

(d) the name of the business (if any) in whose name the card is held.

(5) The information specified for the purposes of paragraph (1)(d) is—

(a) the name of each credit card provider with which R holds an account;

(b) the address of the office at which each account is held and, if that office is outside the United Kingdom, the address of the principal office in the United Kingdom (if any) of the credit card provider; and

(c) the number of each account.

(6) The information specified for the purposes of paragraph (1)(e) is—

(a) the information specified in paragraph (5); and

(b) the name of the business in whose name the card is held.

(7) The information specified for the purposes of paragraph (1)(f) is—

(a) the card number in relation to each credit card;

(b) the validation date of each credit card;