DRAFT STATUTORY INSTRUMENTS

2004 No.

CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND

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

Made - - - -	*2004*
Coming into force - -	*1st May 2004*

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

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 86 of the Sexual Offences Act 2003(**1**), hereby makes the following Regulations:

Citation and extent

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

(2) These Regulations do not extend to Scotland.

Interpretation

2. In these Regulations:

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

Commencement, revocation and transitional provision

3.—(1) Subject to paragraph (2), these Regulations shall come into force on 1st May 2004.

(**1**) 2003 c. 42.
(**2**) S.I.2001/1846 which were made under section 2 of the Sex Offenders Act 1997, which is repealed and re-enacted with modifications by the Sexual Offences Act 2003.

(2) A relevant offender(**3**) who intends to leave the United Kingdom for a period of less than eight days is not required to give a notification pursuant to regulation 5(1) if his 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, his point of arrival is the station, port or airport at which he 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, his point of arrival is the place at which he 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)(**5**) more than seven days before the date of his intended departure, he shall give a notification which sets out that information and as much of the information required by regulation 6 as he holds—

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

(b) as soon as reasonably practicable but not less than 24 hours before that date, if and only if the relevant offender has a reasonable excuse for not complying with the seven day notification requirement.

(3) Where the 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 his intended departure, he shall give not less than 24 hours before that date, a notification which sets out that information and as much of the information required by regulation 6 as he holds.

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—

(**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 the Act.

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

(**5**) A notification under section 86(2) must disclose the date on which the offender will leave the United Kingdom, the country (or, if there is more than one, the first country) to which he will travel and his point of arrival in that country.