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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations extend to Scotland. Separate Regulations extend to England, Wales and Northern Ireland. Part 2 of the Sexual Offences Act 2003 (“the Act”) re-enacts with modifications Part I of the Sex Offenders Act 1997 (the “1997 Act”) and specifies that relevant offenders are required to notify their personal details to the police. Section 86 of the Act provides for such offenders to notify the police of their intention to travel abroad and of their return. These Regulations make provision for this notification and replace the equivalent Regulations under the 1997 Act (the Sex Offenders (Notice Requirements) (Foreign Travel) (Scotland) Regulations 2001) except that the 2001 Regulations continue to apply to existing offenders as specified in regulation 3. In addition, the Regulations do not apply to persons who would be unable to meet the requirements of the new Regulations because they are departing on or before 9th May (regulation 3).

Regulation 5(2) requires a relevant offender to give a notification under section 86(2) of the Act to the police at least seven days before the date on which he or she leaves the United Kingdom, where that offender intends to leave the United Kingdom for a period of three days or longer. The Act specifies that the notification must disclose the date of departure from the United Kingdom, the country to which the relevant offender will travel (or, if there is more than one, the first country), and the point of arrival in that country. A relevant offender’s “point of arrival” in any country is to be determined in accordance with regulation 4. Where an offender does not know the date of his or her departure more than seven days in advance of the date of departure, regulation 5(3) applies and requires notification to be given no less than twenty four hours in advance of the date of departure. This would cover, for example, where an offender travels abroad at short notice.

Regulation 6 also provides that a notification must disclose additional information in relation to the relevant offender’s travel, on top of the requirements in the Act. As much of this information as possible should be provided in the notification, whether the notification is given no less than seven days before the date of departure, or no less than twenty four hours before the date of departure.

Regulation 7 provides that where a notification has been given but the information disclosed becomes out of date prior to the offender’s intended departure, then a further notification must be given no later than twenty four hours prior to departure.

Regulations 8 and 9 require the relevant offender to give a notification within three days of his or her return to the United Kingdom, disclosing his or her date of return and point of arrival in the United Kingdom, unless that information has previously been notified, and the date and point of arrival are as notified.

Regulation 10 sets out the general rule that to give a notification the relevant offender must attend in person at a police station prescribed under section 87 of the Act. The exception to this rule is the case of a notification given under regulations 5(3) and 7 which need not be given at a police station in the relevant offender’s local police area. Regulation 10 also provides that a relevant offender giving a notification must inform the person to whom he or she gives the notification of his or her name(s), his or her home address and his or her date of birth, as currently notified under Part 2 of the Act; and where he or she is giving a further notification under regulation 7, he or she must tell the person to whom he or she gives the notification of the police station at which he or she gave the earlier notification.

In terms of section 91 of the Act, where a relevant offender without reasonable excuse fails to give a notification in accordance with the Regulations or notifies to the police information which he or she knows to be false, he or she will be guilty of an offence and be liable in the case of

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conviction on indictment to imprisonment for up to five years, and in the case of summary conviction to imprisonment for up to six months or a fine not exceeding the statutory maximum, or both.