



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATTING CRIME AND DISORDER

### CHAPTER 3

#### OTHER PROVISIONS FOR COMBATTING CRIME AND DISORDER

##### *Travel restrictions on drug trafficking offenders*

### **33 Power to make travel restriction orders**

- (1) This section applies where—
  - (a) a person (“the offender”) has been convicted by any court of a post-commencement drug trafficking offence;
  - (b) the court has determined that it would be appropriate to impose a sentence of imprisonment for that offence; and
  - (c) the term of imprisonment which the court considers appropriate is a term of four years or more.
- (2) It shall be the duty of the court, on sentencing the offender—
  - (a) to consider whether it would be appropriate for the sentence for the offence to include the making of a travel restriction order in relation to the offender;
  - (b) if the court determines that it is so appropriate, to make such travel restriction order in relation to the offender as the court thinks suitable in all the circumstances (including any other convictions of the offender for post-commencement drug trafficking offences in respect of which the court is also passing sentence); and
  - (c) if the court determines that it is not so appropriate, to state its reasons for not making a travel restriction order.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A travel restriction order is an order that prohibits the offender from leaving the United Kingdom at any time in the period which—
- (a) begins with the offender’s release from custody; and
  - (b) continues after that time for such period of not less than two years as may be specified in the order.
- (4) A travel restriction order may contain a direction to the offender to deliver up, or cause to be delivered up, to the court any UK passport held by him; and where such a direction is given, the court shall send any passport delivered up in pursuance of the direction to the Secretary of State at such address as the Secretary of State may determine.
- (5) Where the offender’s passport is held by the Secretary of State by reason of the making of any direction contained in a travel restriction order, the Secretary of State (without prejudice to any other power or duty of his to retain the passport)—
- (a) may retain it for so long as the prohibition imposed by the order applies to the offender, and is not for the time being suspended; and
  - (b) shall not return the passport after the prohibition has ceased to apply, or when it is suspended, except where the passport has not expired and an application for its return is made to him by the offender.
- (6) In this section “post-commencement”—
- (a) except in relation to an offence that is a drug trafficking offence by virtue of an order under section 34(1)(c), means committed after the coming into force of this section; and
  - (b) in relation to an offence that is a drug trafficking offence by virtue of such an order, means committed after the coming into force of that order.
- (7) References in this section to the offender’s release from custody are references to his first release from custody after the imposition of the travel restriction order which is neither—
- (a) a release on bail; nor
  - (b) a temporary release for a fixed period.
- (8) In this section “UK passport” means a United Kingdom passport within the meaning of the Immigration Act 1971 (c. 77).