



# 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*

### **35 Revocation and suspension of a travel restriction order**

- (1) Subject to the following provisions of this section, the court by which a travel restriction order has been made in relation to any person under section 33 may—
- (a) on an application made by that person at any time which is—
    - (i) after the end of the minimum period, and
    - (ii) is not within three months after the making of any previous application for the revocation of the prohibition,revoke the prohibition imposed by the order with effect from such date as the court may determine; or
  - (b) on an application made by that person at any time after the making of the order, suspend the prohibition imposed by the order for such period as the court may determine.
- (2) A court to which an application for the revocation of the prohibition imposed on any person by a travel restriction order is made shall not revoke that prohibition unless it considers that it is appropriate to do so in all the circumstances of the case and having regard, in particular, to—
- (a) that person's character;
  - (b) his conduct since the making of the order; and

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 35. (See end of Document for details)*

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- (c) the offences of which he was convicted on the occasion on which the order was made.
- (3) A court shall not suspend the prohibition imposed on any person by a travel restriction order for any period unless it is satisfied that there are exceptional circumstances, in that person's case, that justify the suspension on compassionate grounds of that prohibition for that period.
- (4) In making any determination on an application for the suspension of the prohibition imposed on any person by a travel restriction order, a court (in addition to considering the matters mentioned in subsection (3)) shall have regard to—
- (a) that person's character;
  - (b) his conduct since the making of the order;
  - (c) the offences of which he was convicted on the occasion on which the order was made; and
  - (d) any other circumstances of the case that the court considers relevant.
- (5) Where the prohibition imposed on any person by a travel restriction order is suspended, it shall be the duty of that person—
- (a) to be in the United Kingdom when the period of the suspension ends; and
  - (b) if the order contains a direction under section 33(4), to surrender, before the end of that period, any [<sup>F1</sup>passport] returned or issued to that person, in respect of the suspension, by the Secretary of State;
- and a [<sup>F1</sup>passport] that is required to be surrendered under paragraph (b) shall be surrendered to the Secretary of State in such manner or by being sent to such address as the Secretary of State may direct at the time when he returns or issues it.
- (6) Where the prohibition imposed on any person by a travel restriction order is suspended for any period under this section, the end of the period of the prohibition imposed by the order shall be treated (except for the purposes of subsection (7)) as postponed (or, if there has been one or more previous suspensions, further postponed) by the length of the period of suspension.
- (7) In this section “the minimum period”—
- (a) in the case of a travel restriction order imposing a prohibition for a period of four years or less, means the period of two years beginning at the time when the period of the prohibition began;
  - (b) in the case of a travel restriction order imposing a prohibition of more than four years but less than ten years, means the period of four years beginning at that time; and
  - (c) in any other case, means the period of five years beginning at that time.

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**Textual Amendments**

**F1** Word in s. 35 substituted (21.1.2011) by [Identity Documents Act 2010 \(c. 40\)](#), s. 14(2), [Sch. para. 17](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 35.