

*These notes refer to the Sexual Offences Act 2003 (c.42)
which received Royal Assent on 20 November 2003*

SEXUAL OFFENCES ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Notification and Orders

Section 114: Foreign travel orders: applications and grounds

234. **Section 114** provides for a new civil, preventative order, the foreign travel order. The foreign travel order will enable the courts to prohibit persons who are “qualifying offenders” (essentially, those dealt with in respect of certain sexual offences against a child under 16 (either in this country or abroad)) from travelling abroad where and so far as it is necessary to do so to protect a child or children from serious sexual harm outside the United Kingdom.
235. A foreign travel order may be made on application by the police to a magistrates’ court and, if made, will place a prohibition on a sex offender from travelling abroad either to a named country or countries, to anywhere in the world other than a named country or to anywhere in the world.
236. The police may apply for a foreign travel order at the same time as a sexual offences prevention order or separately.
237. The term “qualifying offender” is defined at section 116. “Appropriate date” is defined in *subsection (5)* of section 115 and means the first date on which the offender was dealt with in respect of an offence in *subsection (1)* or (3) of section 116. The phrase “the purpose of protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom” is defined in section 115(2).
238. *Subsection (3)* sets out the circumstances in which the court may make an order.