



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 4

#### NOTIFICATION REQUIREMENTS

##### *Supplementary provisions*

#### **57 Notification orders**

Schedule 4 makes provision for notification orders applying the notification requirements of this Part to persons who have been dealt with outside the United Kingdom in respect of a corresponding foreign offence.

#### **58 Foreign travel restriction orders**

Schedule 5 makes provision for foreign travel restriction orders prohibiting persons to whom the notification requirements apply from—

- (a) travelling to a country outside the United Kingdom named or described in the order,
- (b) travelling to any country outside the United Kingdom other than a country named or described in the order, or
- (c) travelling to any country outside the United Kingdom.

#### **59 Application of Part to service offences and related matters**

Schedule 6 makes provision for the application of this Part to service offences and related matters.

#### **60 Minor definitions for Part 4**

In this Part—

“country” includes a territory;

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“detained in a hospital” means detained in a hospital under—

- (a) Part 3 of the Mental Health Act 1983 (c. 20),
- (b) Part 6 of the Criminal Procedure (Scotland) Act 1995 (c. 46) or the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), or
- (c) Part 3 of the Mental Health (Northern Ireland) Order (S.I. 1986/595 (N.I. 4));

“home address” means, in relation to a person—

- (a) the address of the person’s sole or main residence in the United Kingdom, or
- (b) where the person has no such residence, the address or location of a place in the United Kingdom where the person can regularly be found and, if there is more than one such place, such one of those places as the person may select;

“hospital order” means—

- (a) a hospital order within the meaning of the Mental Health Act 1983,
- (b) an order under Part 6 of the Criminal Procedure (Scotland) Act 1995, or
- (c) a hospital order within the meaning of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));

“passport” means—

- (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (c. 77), or
  - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom or by or on behalf of an international organisation,
- and includes any document that can be used (in some or all circumstances) instead of a passport;

“photograph” includes any process by means of which an image may be produced;

“release” from imprisonment or detention includes release on licence but not temporary release.

## **61 References to a person being “dealt with” for an offence**

- (1) References in this Part to a person being dealt with for or in respect of an offence are to their being sentenced, or made subject to a hospital order, in respect of the offence.

References in this Part to an offence being dealt with are to a person being dealt with in respect of the offence.

- (2) Subject to the following provisions of this section, references in this Part to the time at which a person is dealt with for an offence are to the time at which they are first dealt with—
- (a) in England and Wales, by a magistrates' court or the Crown Court;
  - (b) in Scotland, by a sheriff or by the High Court of Justiciary;
  - (c) in Northern Ireland, by the county court.

This is referred to below as “the original decision”.

- (3) Where the original decision is varied (on appeal or otherwise), then—
- (a) if the result is that the conditions for application of the notification requirements to a person in respect of an offence cease to be met (and

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paragraph (c) below does not apply), the notification requirements are treated as never having applied to that person in respect of that offence;

- (b) if the result is that the conditions for application of the notification requirements to a person in respect of an offence are met where they were not previously met (and paragraph (c) below does not apply)—
  - (i) the person is treated as dealt with for the offence when the variation takes place, and
  - (ii) the notification requirements apply accordingly;
- (c) if—
  - (i) a conviction of, or finding in relation to, a different offence is substituted, and
  - (ii) the conditions for application of the notification requirements were met in respect of the original offence and are also met in respect of the substituted offence,  
the person is treated as if they had been dealt with for the substituted offence at the time of the original decision;
- (d) if the sentence is varied so as to become one by virtue of which the notification requirements would apply for a different period, the period for which those requirements apply shall be determined as if the sentence as varied had been imposed at the time of the original decision;
- (e) in any other case, the variation is disregarded.

(4) For the purposes of—

- (a) section 41(5) (effect of order adding offence to list of terrorism offences),
- (b) section 44(a) or paragraph 4(a) of Schedule 6 (persons subject to notification requirements: age when dealt with for offence),
- (c) section 46(2) or paragraph 6(2) of Schedule 6 (effect of order reducing term or period triggering notification requirements),
- (d) section 53(5)(b) or paragraph 7(5)(b) of Schedule 6 (period for which notification requirements apply: ending of period resulting from finding of disability etc where person subsequently tried), and
- (e) paragraph 2(3) of Schedule 5 (conditions for making foreign travel restriction order: behaviour since offence dealt with),

a person is treated as dealt with at the time of the original decision and any subsequent variation of the decision is disregarded.

(5) For the purposes of—

- (a) section 43(1) and (2) or paragraph 3(1) and (2) of Schedule 6 (application of Part to offences dealt with before commencement), and
- (b) paragraph 2(4) of Schedule 5 (conditions for making foreign travel restriction order where offence dealt with before commencement),

a person is dealt with for an offence before the commencement of this Part if the time of the original decision falls before the commencement of this Part.

Where in such a case subsection (3) above applies for the purposes of any provision of this Part, that subsection has effect as if the provisions of this Part had been in force at all material times.

(6) In section 47(6) (adaptation of initial notification requirements in case of offence dealt with before commencement)—

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- (a) the reference in the opening words to an offence dealt with before the commencement of this Part is to an offence where the time of the original decision falls before the commencement of this Part, and
  - (b) the reference in the closing words to when the offence is dealt with has the same meaning as in subsection (1) of that section.
- (7) References in this section to the variation of a decision include any proceedings by which the decision is altered, set aside or quashed, or in which a further decision is come to following the setting aside or quashing of the decision.