

COUNTER-TERRORISM ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Notification Requirements

Offences in relation to notification

Section 54 – Offences relating to notification

143. Under section 54, failure without reasonable excuse to comply with any of the notification requirements, or providing false information in relation to any of the requirements, constitutes an offence. A reasonable excuse might be where a person does not notify within the required timescale because they are in hospital following an accident. Such an offence is an either way offence with a maximum sentence of five years' imprisonment (*subsection (2)*). *Subsection (4)* provides that the offence of failing to give a notification continues throughout the period during which the required notification is not given, but a person cannot be prosecuted more than once for the same failure. However if a person fails to comply with a requirement, is convicted for this offence and then fails to comply again in respect of the same requirement, that person commits a new offence and may be prosecuted again.
144. *Subsection (5)* provides that the offence may be tried in a court with jurisdiction in a place where the person resides or is found. The "is found" limb is to cover the case of a person with no fixed abode.