

COUNTER-TERRORISM ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Notification Requirements

Offences in relation to notification

Section 55 – Effect of absence abroad

145. *Section 55* sets out how the notification requirements apply when a person subject to those requirements spends time abroad, either voluntarily or following removal by the authorities, for example having been deported or extradited.
146. The notification period continues to run whilst the person is outside the UK (*subsection (2)*).
147. *Subsections (3) and (4)* mean that a person must make their initial notification under section 47 before their departure unless that departure is a result of being removed from the United Kingdom by the authorities and the removal takes place before the expiry of the 3 day period within which such notification is to be given. “Removal from the United Kingdom” includes a person being removed or deported under the Immigration Acts, being extradited or being transferred under a repatriation of prisoners’ agreement (*subsection (9)*). In those cases the person does not have to make their initial notification unless and until they return to the UK within the currency of the applicable notification period (see section 56(1)).
148. *Subsection (5)(a)* requires a person to notify the police of any changes to their details in accordance with section 48 before their departure overseas. This does not apply however where the person’s departure is a result of being removed from the UK before the end of the period in which they were due to notify of any changes under section 48 (*subsection (6)*). *Subsections (5)(b) and (7)* provide that the requirement under section 48 to notify changes to notified information and the requirement under section 49 to make periodic re-notification do not apply during the period of absence abroad.
149. *Subsection (8)* has the effect that any periods during which a person is in custody, imprisonment, detention or is detained in hospital or immigration detention outside the United Kingdom, are to be discounted when determining whether the notification period has expired. (Section 53(7) makes provision for time spent in such custody, imprisonment or detention in the UK to be discounted from the notification period).