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STATUTORY INSTRUMENTS

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**2004 No. 1051**

**MAGISTRATES' COURTS,  
ENGLAND AND WALES**

**PROCEDURE**

**The Magistrates' Courts (Foreign Travel Orders) Rules 2004**

<i>Made</i>	- - - -	<i>5th April 2004</i>
<i>Laid before Parliament</i>		<i>6th April 2004</i>
<i>Coming into force</i>	- -	<i>1st May 2004</i>

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the rule committee appointed under the said section 144, hereby makes the following Rules:

**Citation, commencement and interpretation**

1. These Rules may be cited as the Magistrates' Courts (Foreign Travel Orders) Rules 2004 and shall come into force on 1 May 2004.

2. In these Rules—

- (a) a reference to a numbered section is a reference to the section so numbered in the Sexual Offences Act 2003(2); and
- (b) a reference to a Schedule is a reference to a Schedule to these Rules.

**Foreign travel orders**

3.—(1) An application for a foreign travel order under section 114(1) may be in the form set out in Schedule 1.

(2) A summons directed to the defendant requiring him to appear before a magistrates' court to answer an application referred to in paragraph (1) may be in the form set out in Schedule 2.

(3) A foreign travel order shall be in the form set out in Schedule 3.

(4) As soon as reasonably practicable after a foreign travel order has been made, the Justices' Chief Executive shall serve a copy of that order on the defendant. Any copy of an order required

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(1) 1980 c. 43.  
(2) 2003 c. 42.

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to be sent under these Rules to the defendant shall be either given to him in person or sent by post to his last known address and, if so given or sent, shall be deemed to have been received by him, unless the defendant proves that it was not received by him.

**Time limit for service of a notice under section 116(6)**

4. If the defendant wishes to serve on the applicant a notice under section 116(6)(3), he must do so no later than 3 days before the hearing date for the application for the foreign travel order.

Date 5th April 2004

*Falconer of Thoroton, C.*

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(3) Section 116(6) provides for service of a notice disputing that the condition in section 116(4)(b) is met ie that an offence committed outside the United Kingdom would have constituted a relevant offence if committed in the United Kingdom.

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SCHEDULE 1

Rule 3(1)

**FORM Application for [Foreign Travel Order](Sexual Offences Act 2003, s[114(1)]**

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.....Magistrates' Court  
(Code)

Date: .....

Defendant: .....

Address: .....  
.....

The defendant is a qualifying offender by virtue of the following facts:

Offence: .....  
.....

If committed abroad, the corresponding offence this would have constituted had the act been done in the United Kingdom:

.....

Date of [conviction] [finding] [caution].....

Court / Police Station.....

[And it is alleged that the defendant has since the date (or the first date) of the above conviction, finding or caution, acted in such as way as to give reasonable cause to believe that a foreign travel order under section 114(1) of the Sexual Offences Act 2003 is necessary to protect children generally or any particular child from serious sexual harm from the defendant outside the United Kingdom

Short description of acts, including date(s) and further comments:

.....  
.....  
.....  
.....]

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Accordingly application is made for a foreign travel order prohibiting travel [to this country / these countries] [to this region / these regions] [abroad more generally]:—

.....  
.....  
.....

Short description of acts:.....  
.....

The complaint of.....

Address: .....  
.....

who [upon oath] states that the facts given in this form are true to the best of his knowledge and belief.

Taken [and sworn] before me

Justice of the Peace  
[Justices' Clerk]

SCHEDULE 2

Rule 3(2)

**FORM Summons on Application for [Foreign Travel Order] (Sexual Offences Act 2003) [s114]**

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.....Magistrates' Court  
(Code)

Date: .....

To the defendant: .....

Address: .....  
.....  
.....

You are hereby summonsed to appear on .....  
(date)

at.....[time] before the Magistrates' Court at .....  
to answer to an application for a foreign travel order, which application is attached to this summons.

Copied to the applicant: .....

Justice of the Peace  
[Justices' Clerk]

**NOTE:**

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If a foreign travel order is made against you, you will be subject to the prohibitions made in it. You will also be subject to the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003, which oblige you to notify the police of any plans you have to travel abroad for a period of 3 days or longer. If details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance of travel.

**If, without reasonable excuse, you do anything you are prohibited from doing by the order, or if you fail to comply with the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding 5 years.**

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.....Magistrates' Court  
(Code)

Date: .....

Defendant: .....

Address: .....

.....

On the complaint of—

Complainant: .....

Address: .....

.....

It is adjudged that the defendant is a qualifying offender by reason of the following:

Offence: .....

If committed abroad, corresponding offence had the act been done in the UK:

.....

Date of [conviction] [finding] [caution]: .....

[Court] [Police station]: .....

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And it is adjudged that the defendant's behaviour, since the date (or first date) of the above conviction, finding or caution, makes it necessary to make a foreign travel order under section 114(1) of the Sexual Offences Act 2003 to protect children generally or any child from serious sexual harm from the defendant outside the United Kingdom.

Short description of acts (including date(s)) and further comments:

.....  
.....

And it is ordered that the defendant is prohibited from travel [to this country / these countries] [to this region / these regions] [abroad more generally]:—

.....  
.....

Until.....[date not more than six months from date of order]

And while this order (as renewed from time to time) has effect, the defendant shall be subject to section 86 of the Sexual Offences Act 2003

[OR where the defendant is already subject to the notification requirements on the making of this order:

And the defendant, who was a relevant offender within the meaning of Part 2 of the Sexual Offences Act 2003 immediately before the making of this order, but who would otherwise cease to be subject to the notification requirements of the said Part 2 while this order has effect, shall remain subject to the foreign travel notification requirements of section 86 for the duration of this order as renewed from time to time.]

Justice of the Peace  
[Justices' Clerk]

**NOTE:**

For the period of this order, you are subject to the foreign travel notification regulations made under section 86 of the Sexual Offences Act 2003, which oblige you to notify the police of any plans you have to travel abroad for a period of 3 days or longer. If details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance.

Your local Police Service Headquarters will be able to explain these conditions in more detail.

The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

**If, without reasonable excuse, you do anything you are prohibited from doing by this order or you fail to comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 you shall be liable on conviction to imprisonment for a term not exceeding 5 years.**



## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules provide forms which may be used for applications for foreign travel orders under section 114 of the Sexual Offences Act 2003; for the summons to be served on the defendant in relation to such applications; and the form which should be used for the orders themselves. The Rules provide for service of the order and provide that a notice requiring proof that the condition in section 116(4)(b) is met should be served not later than 3 days before the date of the hearing of the application.