

2010 No. 605

MAGISTRATES' COURTS, ENGLAND AND WALES

PROCEDURE

**The Magistrates' Courts (Foreign Travel Orders) (Amendment)
Rules 2010**

<i>Made</i> - - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>	<i>5th March 2010</i>
<i>Coming into force</i> - -	<i>1st April 2010</i>

The Lord Chief Justice makes the following Rules in exercise of the powers conferred by section 144(1) and 145(1) of the Magistrates' Courts Act 1980(a).

In accordance with section 144 of the Magistrates' Court Act 1980 he has consulted with the rule committee appointed under that section and makes these Rules with the concurrence of the Lord Chancellor.

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Foreign Travel Orders) (Amendment) Rules 2010 and shall come into force on 1st April 2010.

Amendments to the Magistrates' Courts (Foreign Travel Orders) Rules 2004

2. The Magistrates' Courts (Foreign Travel Orders) Rules 2004(b) are amended as follows—

- (a) in rule 3(3), for “shall” substitute “may”;
- (b) for the form set out in Schedule 2 to those Rules, substitute the form set out in Schedule 1 to these Rules; and
- (c) for the form set out in Schedule 3 to those Rules, substitute the form set out in Schedule 2 to these Rules.

(a) 1980 c. 43. Section 144(1) was amended by section 15 of, and paragraphs 99 and 102 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4) and section 109 of, and paragraph 245 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39). Section 145(1) was amended by section 109 of, and paragraph 245 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39), section 62(4) of the Children Act 2004 (c. 31), section 91 and 93 of, and Schedule 8 to, the Police and Magistrates' Court Act 1994 (c. 29) and sections 65 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25).

(b) S.I. 2004/1051.

Judge, C.J.

1st March 2010

I concur

3rd March 2010

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Rule 2(b)

Summons on application for a Foreign Travel Order under section 114 of the Sexual Offences Act 2003

.....Magistrates' Court

(Code)

Date:

To the defendant:

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

You are hereby summoned 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, if you do not attend, 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 you are prohibited from travelling to any country outside the United Kingdom (as opposed to a specific country or countries outside the United Kingdom), you must surrender all passport(s) held in your name to a police station specified in the order within the time so specified.

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 for a term not exceeding 5 years.

SCHEDULE 2

Rule 2(c)

Foreign Travel Order (under section 114 of the Sexual Offences Act 2003)

.....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]:

And it is adjudged that the defendant's behaviour since the 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 particular child from serious sexual harm from him 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 [the country/countries outside the United Kingdom specified below] [any country/countries outside the United Kingdom other than those specified below] [any country outside the United Kingdom, and must surrender all of his/her passports to(police station) within days of this order];

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

until (*date not more than 5 years 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 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:

Note:

If this order prohibits you from travelling to any country outside the United Kingdom (as opposed to a specific country or countries outside the United Kingdom), you must surrender all passport(s) held in your name to the police station specified in this order within the time so specified.

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 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 for a term not exceeding 5 years.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts (Foreign Travel Orders) Rules 2004 (S.I. 2004 No.1051) to substitute new forms into Schedules 2 (Summons on application for a Foreign Travel Order) and 3 (Foreign Travel Order) in consequence of amendments to the Sexual Offences Act 2003 made by the Policing and Crime Act 2009 ("the 2009 Act"). The new forms refer to the requirement under the 2009 Act for a person who is subject to a foreign travel order prohibiting travel to all countries outside the UK to surrender his or her passport(s) to the police station within the time limit specified in the order; and reflect that a foreign travel order may now be imposed for a period of up to 5 years.

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STATUTORY INSTRUMENTS

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£5.50