



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 5

### CRIMINAL JUSTICE

#### *Foreign travel orders*

#### **101 Foreign travel orders**

- (1) The Sexual Offences Act 2003 (c.42) is amended as follows.
- (2) In section 115 (definition of “protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom”), in subsection (2), for “16” in both places it occurs substitute “18”.
- (3) In section 116 (qualifying offenders: offences), in subsection (2)(d), for “16” substitute “18”.
- (4) In section 117(1) (foreign travel orders: effect), for “6 months” substitute “5 years”.
- (5) Before section 118, insert—

#### **“117B Surrender of passports: Scotland**

- (1) This section applies in relation to a foreign travel order which contains a prohibition within section 117(2)(c).
- (2) The order must require the person in respect of whom the order has effect to surrender all of the person’s passports, at a police station in Scotland specified in the order—
  - (a) on or before the date when the prohibition takes effect, or
  - (b) within a period specified in the order.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a foreign travel order containing a prohibition within section 117(2)(c).
- (4) Subsection (3) does not apply in relation to—
- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
  - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (5) In this section “passport” means—
- (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (c.77);
  - (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;
  - (c) a document that can be used (in some or all circumstances) instead of a passport.”.
- (6) In section 122 (breach of foreign travel order), before subsection (2) insert—
- “(1B) A person commits an offence if, without reasonable excuse, the person fails to comply with—
- (a) a requirement under section 117A(2) (surrender of passports: England and Wales and Northern Ireland), or
  - (b) a requirement under section 117B(2) (surrender of passports: Scotland).
- (1C) A person may be prosecuted, tried and punished for any offence under subsection (1B)—
- (a) in any sheriff court district in which the person is apprehended or is in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine, as if the offence had been committed in that district (and the offence is, for all purposes incidental to or consequential on the trial or punishment, to be deemed to have been committed in that district).”.