



Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 1

TEMPORARY RESTRICTIONS ON TRAVEL

CHAPTER 2

TEMPORARY EXCLUSION FROM THE UNITED KINGDOM

Offences and proceedings etc

10 Offences

- (1) An individual subject to a temporary exclusion order is guilty of an offence if, without reasonable excuse, the individual returns to the United Kingdom in contravention of the restriction on return specified in the order.
- (2) It is irrelevant for the purposes of subsection (1) whether or not the individual has a passport or other similar identity document.
- (3) An individual subject to an obligation imposed under section 9 is guilty of an offence if, without reasonable excuse, the individual does not comply with the obligation.
- (4) In a case where a relevant notice has not actually been given to an individual, the fact that the relevant notice is deemed to have been given to the individual under regulations under section 13 does not (of itself) prevent the individual from showing that lack of knowledge of the temporary exclusion order, or of the obligation imposed under section 9, was a reasonable excuse for the purposes of this section.
- (5) An individual guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;

Status: This is the original version (as it was originally enacted).

- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.
- (6) Where an individual is convicted by or before a court of an offence under this section, it is not open to that court to make in respect of the offence—
- (a) an order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge);
 - (b) an order under section 227A of the Criminal Procedure (Scotland) Act 1995 (community pay-back orders); or
 - (c) an order under Article 4(1)(b) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (conditional discharge in Northern Ireland).
- (7) In this section—
- “relevant notice” means—
 - (a) notice of the imposition of a temporary exclusion order, or
 - (b) notice under section 9 imposing an obligation;
 - “restriction on return” means the requirement specified in a temporary exclusion order in accordance with section 2(1).
- (8) In section 2 of the UK Borders Act 2007 (detention at ports), in subsection (1A), for “the individual is subject to a warrant for arrest” substitute “the individual—
- (a) may be liable to be detained by a constable under section 14 of the Criminal Procedure (Scotland) Act 1995 in respect of an offence under section 10(1) of the Counter-Terrorism and Security Act 2015, or
 - (b) is subject to a warrant for arrest.”