



Jersey

SEX OFFENDERS (TRAVEL NOTIFICATION REQUIREMENTS) (JERSEY) ORDER 2011

Arrangement

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Made

Coming into force

THE MINISTER FOR HOME AFFAIRS, in pursuance of Article 8 of the Sex Offenders (Jersey) Law 2010, orders as follows –

1 Interpretation

- (1) In this Order, unless the context otherwise requires –
 - “departure notification” means a notification under Article 8(2) of the Law;
 - “Law” means the Sex Offenders (Jersey) Law 2010;
 - “notifier” means a person who is subject to the notification requirements of the Law;
 - “return notification” means a notification under Article 8(3) of the Law.
- (2) For the purpose of this Order, and of Article 8(2)(b) of the Law, a notifier’s point of arrival is to be determined as follows –
 - (a) if the notifier arrives in a country or territory by rail, sea or air, the point of arrival is the station, port or airport at which the notifier first disembarks;
 - (b) in any other case, the point of arrival is the place at which the notifier first enters the country or territory.
- (3) Paragraph (4) applies where this Order, or Article 8(2) or (3) of the Law, requires a notification –
 - (a) to disclose information about an event that will occur in the future;
 - (b) to be given at a time calculated by reference to such an event; or
 - (c) to be given if a condition is met that depends on such an event.
- (4) The notification –
 - (a) is given in accordance with this Order only if that event does occur in such a way that that requirement is met in relation to the notification; and

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- (b) accordingly is not to be treated as being so given merely by virtue of accurately disclosing the notifier's intention or knowledge at the time of giving the notification.

2 Notification duty

- (1) A notifier who leaves Jersey must, before leaving, give –
 - (a) a departure notification in accordance with Article 3; and
 - (b) if required by Article 4, a supplementary departure notification in accordance with that Article.
- (2) A notifier who, after leaving Jersey, subsequently returns to Jersey must give a return notification in accordance with Article 5.
- (3) A notifier who must give a departure notification or return notification must –
 - (a) do so by giving it to an authorized officer, by attendance at –
 - (i) a place specified to the notifier by the Chief Police Officer for that purpose, or
 - (ii) if no place has been so specified, the place at which the notifier last gave notification under Article 6(12) of the Law; and
 - (b) inform the person to whom the notification is given of the notifier's –
 - (i) name, and any other names used by the notifier, and
 - (ii) home address,as currently notified under Article 6 of the Law.

3 Departure notification

- (1) The information prescribed for the purpose of Article 8(2)(c) of the Law is –
 - (a) the identity of any carrier that the notifier will use to leave Jersey;
 - (b) the accommodation that the notifier will use for the first night outside Jersey;
 - (c) if the notifier will travel to more than one country outside Jersey –
 - (i) the point of arrival in each such additional country,
 - (ii) the identity of any carrier that the notifier will use to arrive at each such point, and
 - (iii) if the notifier's second night outside Jersey will be spent in such an additional country, the accommodation that the notifier will use for that night; and
 - (d) if the notifier will return to Jersey, the date of the journey returning to Jersey, the point of arrival, and the identity of any carrier that the notifier will use for that journey.
- (2) The notifier must give the departure notification not less than 7 days before the date on which the notifier will leave Jersey.

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- (3) Paragraph (4) applies, instead of paragraph (2), if –
 - (a) the notifier has an exceptional need to leave Jersey urgently;
 - (b) the notifier was not aware of, and could not reasonably be expected to have been aware of that need 7 days before the date on which the notifier leaves Jersey; and
 - (c) that need has not been caused, whether wholly or partly and whether by the notifier or by any other person, with a view to avoiding the application of paragraph (2).
 - (4) If this paragraph applies, the notifier must give the departure notification as soon as is reasonably practicable after becoming aware of the need to leave Jersey, but not less than 24 hours before the time at which the notifier will leave Jersey.
 - (5) In any criminal or other proceedings, if a notifier relies on paragraph (4), it is for the notifier to prove that that paragraph applies.

4 Supplementary departure notification

- (1) In this Article –

“relevant time” means 24 hours before the time at which the notifier will leave Jersey;

“remaining information” means any of the information prescribed by Article 3(1) which the notifier did not hold on last giving a departure notification.
- (2) If a notifier gives a departure notification at a time when the notifier does not hold all of the information prescribed by Article 3(1), the notifier must give a supplementary departure notification –
 - (a) in accordance paragraph (3) or (4);
 - (b) in either case no later than the relevant time; and
 - (c) including details sufficient to identify and locate the previous notification.
- (3) If the notifier holds all of the remaining information before the relevant time, the supplementary departure notification must –
 - (a) be given as soon as is reasonably practicable after the notifier first holds all of the remaining information; and
 - (b) disclose all of that information.
- (4) If the notifier does not hold all of the remaining information before the relevant time, the supplementary departure notification must –
 - (a) be given as soon as is reasonably practicable after the notifier first becomes aware that he or she will not hold all of the remaining information before the relevant time;
 - (b) disclose as much of the remaining information as the notifier holds or will hold at the relevant time; and
 - (c) disclose the reason why the notifier does not hold or will not hold all of the remaining information at the relevant time.

5 Return notification

- (1) A return notification must disclose the date and point of arrival in Jersey and the identity of any carrier used for the return journey.
- (2) A return notification must be given before the end of the day following the day the notifier returns to Jersey.
- (3) There is to be disregarded when determining the period mentioned in paragraph (2) any day during any part of which the notifier –
 - (a) is in custody on remand;
 - (b) is serving a sentence of imprisonment or youth detention; or
 - (c) is in hospital.
- (4) Paragraph (3) and Articles 2(3)(a)(i) and (ii) do not apply to a return notification if an authorized officer attends, to receive the notification, the place where the person is detained or is in hospital.

6 Transitional provision

- (1) If a notifier leaves Jersey within 14 days after the commencement of this Order, the requirement to give a departure notification does not apply to that departure.
- (2) If a notifier returns to Jersey, having left Jersey before the commencement of this Order or within 14 days after that commencement, the requirement to give a return notification applies to that return subject to the exception that –
 - (a) Article 5(2) does not apply;
 - (b) the return notification must instead be given within 14 days after the day the notifier returns to Jersey; and
 - (c) Articles 5(3) and (4) apply in relation to the period mentioned in sub-paragraph (b).

7 Citation and commencement

This Order may be cited as the Sex Offenders (Travel Notification Requirements) (Jersey) Order 2011 and comes into force 7 days after it is made.

Signed.....

Date.....

Minister for Home Affairs

