

Subsidiary Legislation made under s.311.

Crimes Act (Travel Notification Requirements) Regulations 2013

LN.2013/070

Commencement **25.4.2013**

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Crimes

2013/070

**Crimes Act (Travel Notification Requirements)
Regulations 2013**

In exercise of the powers conferred on him by section 311 of the Crimes Act 2011, and all other enabling powers, the Minister with responsibility for justice has made the following regulations—

Title and commencement.

1. These Regulations may be cited as the Crimes Act (Travel Notification Requirements) Regulations 2013 and come into force on the date of publication.

Interpretation.

2. In these Regulations a reference to a numbered section is to the section of that number in the Crimes Act 2011.

Determination of point of arrival.

3.(1) For the purposes of section 311(2)(b) and of these Regulations, a relevant offender's point of arrival in a country is to be determined in accordance with this regulation.

(2) In a case in which a relevant offender will arrive in a country by rail, sea or air, the point of arrival is the station, port or airport at which he will first disembark.

(3) In a case in which a relevant offender will arrive in a country by any means other than those mentioned in sub-regulation (2) above, the point of arrival is the place at which the person will first enter the country.

Notification to be given before leaving Gibraltar.

4.(1) A relevant offender who intends to leave Gibraltar for a period of 3 days or longer must give a notification under section 311(2) in accordance with these Regulations.

(2) If a relevant offender to whom these Regulations apply knows the information required to be disclosed by section 311(2)(a) and (b) more than 7 days before the date of his or her intended departure, the offender must give a notification which sets out that information and as much of the information required by regulation 5 as he or she holds—

- (a) not less than 7 days before that date (the 7 day notification requirement); or
- (b) as soon as reasonably practicable but not less than 24 hours before that date, if and only if the relevant offender has a reasonable excuse for not complying with the 7 day notification requirement.

(3) If the relevant offender does not know the information required to be disclosed by section 311(2)(a) and (b) more than 7 days before the date of his or her intended departure, the offender must give not less than 24 hours before that date, a notification which sets out that information and as much of the information required by regulation 5 as he or she holds.

Information to be disclosed in a notification under section 311(2).

5. In addition to the information required by section 311(2)(a) and (b), a relevant offender to whom these Regulations apply must disclose, if the offender holds such information—

- (a) if he or she intends to travel to more than one country outside Gibraltar, the intended point of arrival in each such additional country,
- (b) the identity of any carrier or carriers he or she intends to use to depart from and return to Gibraltar, and to travel to any other point of arrival,
- (c) details of his or her accommodation arrangements for the first night outside Gibraltar,
- (d) in a case in which the offender intends to return to Gibraltar on a particular date - that date; and
- (e) in a case in which the offender intends to return to Gibraltar at a particular point of arrival - that point of arrival.

Change to information disclosed in a notification under section 311(2).

6.(1) If—

- (a) a relevant offender has given a notification under section 311(2); and
- (b) at any time prior to his or her intended departure from Gibraltar, the information disclosed in that notification becomes inaccurate or incomplete as a statement of all the information mentioned in section 311(2)(a) and (b) and regulation 5 which the offender currently holds,

the offender must give a further notification under section 311(2).

(2) A further notification under sub-regulation (1) above must be given not less than 24 hours before the relevant offender's intended departure from Gibraltar.

Notification to be given on return to Gibraltar.

7.(1) This regulation applies to a relevant offender who—

- (a) is required to give a notification under section 311(2);
- (b) has left Gibraltar; and
- (c) subsequently returns to Gibraltar.

(2) Except as provided by sub-regulation (3), every relevant offender to whom this regulation applies must give a notification under section 311(3) within 3 days of his or her return to Gibraltar.

(3) A relevant offender to whom this regulation applies need not give a notification under section 311(3) in any case in which the offender gave a relevant notification under 311(2) which—

- (a) disclosed a date under the provisions of regulation 5(d); and
- (b) disclosed a point of arrival under the provisions of regulation 5(e),

provided his or her return to Gibraltar was on that date and at that point of arrival.

Information to be disclosed in a notification under section 311(3).

8. A notification under section 311(3) must disclose the date of the relevant offender's return to Gibraltar and his point of arrival in Gibraltar.

Giving a notification.

9.(1) For the purpose of giving a notification under section 311(2) or (3), a relevant offender must attend at a police station and the notification must be given to a police officer, or to a person authorised by the officer in charge of the station under section 312(1)(b) for the purpose of receiving a notification under that section.

(2) A relevant offender giving a notification under section 311(2) or (3) must inform the person to whom the offender gives the notice of his or her—

- (a) name and other names he or she is using,
- (b) home address; and

(c) date of birth,

as currently notified under Part 13 of the Act.

(3) A relevant offender giving a further notification under section 311(2) as required by regulation 6 must inform the person to whom the notification is given of the police officer to whom the offender first gave a notification in respect of the journey in question under section 311(2).