

- 2 JUL 2015

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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2015 No. **14**

**Sex Offenders (Travel Notification Requirements)  
(Bailiwick of Guernsey) Regulations, 2015**

<i>Made</i>	<i>1<sup>st</sup> July , 2015</i>
<i>Coming into operation</i>	<i>1<sup>st</sup> July , 2015</i>
<i>Laid before the States</i>	<i>, 2015</i>

THE HOME DEPARTMENT, in exercise of the powers conferred on it by sections 6 and 55 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013<sup>a</sup>, hereby orders:-

**Notification duty.**

1. (1) A notifier who leaves the Bailiwick must, before leaving, give -
  - (a) a notification under section 6(1)(a) of the Law ("a **departure notification**") in accordance with regulation 2, and
  - (b) if required by regulation 3, a supplementary departure notification in accordance with that regulation.
  
- (2) A notifier who, after leaving the Bailiwick, subsequently returns to the Bailiwick must give a notification under section 6(1)(b) of the Law ("a **return notification**") in accordance with regulation 4.
  
- (3) A notifier who must give a departure notification or return notification must -

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<sup>a</sup> Order in Council No. IX of 2014.

- (a) do so by giving it to an authorised officer, by attendance at -
  - (i) a place specified to the notifier by the Chief Officer of Police for that purpose, or
  - (ii) if no place has been so specified, the place at which the notifier last gave notification under section 4 of the Law, and
- (b) inform the person to whom the notification is given of -
  - (i) name, and any other names used by the notifier, and
  - (ii) home address,of the notifier as currently notified under section 4 of the Law.

**Departure notification.**

2. (1) The information prescribed for the purpose of section 6(2)(c) of the Law is -

- (a) the identity of any carrier that the notifier will use to leave the Bailiwick,
- (b) the accommodation that the notifier will use for the first night outside the Bailiwick,
- (c) if the notifier will travel to more than one country outside the Bailiwick -
  - (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 the Bailiwick 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 the Bailiwick, the date of the journey returning to the Bailiwick, 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 the Bailiwick.

(3) Paragraph (4) applies, instead of paragraph (2), if -

(a) the notifier has an exceptional need to leave the Bailiwick 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 the Bailiwick, 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 the Bailiwick, but not less than 24 hours before the time at which the notifier will leave the Bailiwick.

(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.

**Supplementary departure notification.**

3. (1) In this regulation -

"**relevant time**" means 24 hours before the time at which the notifier will leave the Bailiwick, and

"**remaining information**" means any of the information prescribed by regulation 2(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 regulation 2(1), the notifier must give a supplementary departure notification -

- (a) in accordance with 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 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.

**Return notification.**

4. (1) A return notification must disclose -

- (a) the date and point of arrival in the Bailiwick, and
- (b) 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 the Bailiwick.

(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 detained in an approved establishment in accordance with Part IX of the Mental Health Law.

(4) Paragraph (3) and regulation 1(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.

**Transitional provision.**

5. (1) If a notifier leaves the Bailiwick within 14 days after the 1<sup>st</sup> July 2015, the requirement to give a departure notification does not apply to that departure.

(2) If a notifier returns to the Bailiwick, having left the Bailiwick before the 1<sup>st</sup> July 2015 or within 14 days after the 1<sup>st</sup> July 2015, the requirement to give a return notification applies to that return subject to the exception that -

- (a) regulation 4(2) does not apply,
- (b) the return notification must instead be given within 14 days after the day the notifier returns to the Bailiwick, and
- (c) regulation 4(3) and (4) apply in relation to the period mentioned in subparagraph (b).

**Interpretation.**

6. (1) In these Regulations, unless the context otherwise requires -

**"departure notification"** has the meaning given in regulation 1(1),

**"enactment"** means any Law, Ordinance or subordinate legislation,

**"the Law"** means the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013,

**"the Mental Health Law"** means the Mental Health (Bailiwick of Guernsey) Law, 2010,

**"notifier"** means a person who is subject to the notification requirements of the Law,

**"return notification"** has the meaning given in regulation 1(2), and

**"subordinate legislation"** means any regulation, rule, regulations, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) For the purpose of these Regulations, and of section 6(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, or
- (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 these Regulations, or section 6(2) or (3) of the Law, require 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 these regulations only if that event does occur in such a way that that requirement is met in relation to the notification, and
- (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.

(5) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of these Regulations.

(6) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation and commencement.**

7. These Regulations may be cited as the Sex Offenders (Travel Notification Requirements) (Bailiwick of Guernsey) Regulations, 2015 and shall come into force on the 1<sup>st</sup> July, 2015.

Dated this *first* day of *July*, 2015

  
P. I. GILSON  
Minister of the States Home Department  
For and on behalf of the Department

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision, for the purposes of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, to require notifiers leaving or returning to the Bailiwick to notify an authorised officer of the information set out in the Regulations (regulation 1).

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

The following information which must be disclosed by a notifier includes:

- for the purposes of a departure notification, the identity of the carrier to be used by the notifier, the accommodation to be used on the first night outside of the Bailiwick and the notifier's anticipated return to the Bailiwick (regulation 2), and
- for the purposes of a return notification, the date and point of arrival in the Bailiwick and the identity of the carrier to be used by the notifier (regulation 4).

Regulations 2(2) and (4), 3(1) and 4(2) also set out the periods in which the information must be disclosed.

These Regulations come into force on the 1<sup>st</sup> day of July, 2015.

