



# SEXUAL OFFENCES AND OBSCENE PUBLICATIONS (NOTIFICATION REQUIREMENTS) REGULATIONS 2024

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Statutory Document No. 2024/0063



*Sexual Offences and Obscene Publications Act 2021*

# SEXUAL OFFENCES AND OBSCENE PUBLICATIONS (NOTIFICATION REQUIREMENTS) REGULATIONS 2024<sup>1</sup>

*Approved by Tynwald: 20 March 2024*  
*Coming into Operation: in accordance with regulation 2*

The Department of Home Affairs makes the following Regulations under sections 154, 155, 156, 158 and 159 of the Sexual Offences and Obscene Publications Act 2021.

## PART 1 - INTRODUCTION

### 1 Title

These Regulations are the Sexual Offences and Obscene Publications (Notification Requirements) Regulations 2024.

### 2 Commencement provision

If approved by Tynwald<sup>1</sup>, these Regulations come into operation immediately after the coming into operation of Division 1 of Part 10 of the Sexual Offences and Obscene Publications Act 2021.

### 3 Interpretation

In these Regulations, unless the context otherwise requires —

“**the Act**” means the Sexual Offences and Obscene Publications Act 2021;

“**banking institution**” means a bank, building society or other institution which provides banking services;

“**business**” means any trade, profession or vocation;

“**credit card provider**” means a bank, building society or other institution which provides a credit card;

<sup>1</sup> By sections 159(1) and 230(1) of the Sexual Offences and Obscene Publications Act 2021, these Regulations are subject to the “approval” Tynwald procedure, being the procedure described in section 30 of the Legislation Act 2015.

“**debit card**” means a card the use of which by its holder to make payment results in a current account of the holder at a banking institution being debited with the payment;

“**general notification**” means a notification under sections 154(1), 155(1), 156(1) or 157(2) to (6) of the Act;

“**identity document**” means any document which may be used (whether by itself or otherwise and with or without modifications) to establish, or provide evidence of, a person’s identity;

“**relevant household**” means a place where—

- (a) two or more people are residing or staying;
- (b) one or more of those people are a child; and
- (c) the public do not have access (whether or not for payment);

“**required information**” means the information required to be provided under a general notification or a travel notification, as the case may be; and

“**travel notification**” means a notification under part 4 of these regulations.

#### 4 **Applicable period**

For the purposes of section 156(5) of the Act, the applicable period means the period of seven days.

## **PART 2 - METHOD OF NOTIFYING**

#### 5 **Giving a notification**

- (1) For the purposes of giving a general notification or a travel notification, a relevant offender must —
  - (a) present the required information at a police station in the Isle of Man; or
  - (b) send the required information via email to an email address published by the Department.
- (2) A notification under paragraph (1)(a) must be given to a police officer, or to a person authorised by the officer in charge of the station for the purpose of receiving a general notification or a travel notification.
- (3) A relevant offender giving a notification under regulation 11 or 12 must provide the following information —
  - (a) if the previous travel notification was given under paragraph (1)(a), the name of the police station and police officer or authorised person to whom the previous travel notification was given and the date on which it was given; or

- (b) if the previous travel notification was given under paragraph (1)(b), the fact that the previous travel notification was provided by email and the date on which it was given.

## PART 3 – GENERAL NOTIFICATIONS

### 6 Information required under general notification

- (1) The information set out in this regulation is prescribed for the purposes of section 154(5)(i) of the Act.
- (2) Where a relevant offender resides, or stays for a period of at least 12 hours, at a relevant household the relevant offender must notify –
  - (a) the date on which the relevant offender begins to reside or stay at a relevant household;
  - (b) the address of the relevant household; and
  - (c) where the relevant offender holds such information, the period or periods for which the relevant offender intends to reside or stay at the relevant household.
- (3) Where a relevant offender holds –
  - (a) an account with a banking institution in the relevant offender's name, or in the relevant offender's name and the name of another person, the relevant offender must supply in relation to each such account the information specified in paragraph (4);
  - (b) an account with a banking institution in the name of an unincorporated business which is run by the relevant offender, or run by the relevant offender and another person, the relevant offender must supply in relation to each such account the information specified in paragraph (5);
  - (c) a debit card in relation to any account of which notification is given in accordance with sub-paragraph (a) or (b), the relevant offender must supply in relation to each such debit card the information specified in paragraph (6);
  - (d) an account with a credit card provider in the relevant offender's name, or in the relevant offender's name and the name of another person, the relevant offender must supply in relation to each such account the information specified in paragraph (7);
  - (e) an account with a credit card provider in the name of an unincorporated business which is run by the relevant offender, or run by the relevant offender and another person, the relevant offender must supply in relation to each such account the information specified in paragraph (8);

- (f) a credit card in relation to any account of which notification is given in accordance with sub-paragraph (d) or (e), the relevant offender must supply in relation to each such credit card the information specified in paragraph (9).
- (4) The information specified for the purposes of paragraph (3)(a) is —
- (a) the name of each banking institution with which the relevant offender holds an account;
  - (b) the address of the office at which each account is held and, if that office is outside the Island, the address of the principal office in the Island (if any) of the banking institution;
  - (c) the account number of each account; and
  - (d) the sort code of each account.
- (5) The information specified for the purposes of paragraph (3)(b) is —
- (a) the information specified in paragraph (4); and
  - (b) the name of the business in whose name the account is held.
- (6) The information specified for the purposes of paragraph (3)(c) is —
- (a) the card number in relation to each debit card;
  - (b) the expiry date of each debit card; and
  - (c) the name of the business (if any) in whose name the card is held.
- (7) The information specified for the purposes of paragraph (3)(d) is —
- (a) the name of each credit card provided with which the relevant offender holds an account;
  - (b) the address of the office at which each account is held and, if that office is outside the Island, the address of the principal office in the Island (if any) of the credit card provider; and
  - (c) the account number of each account.
- (8) The information specified for the purposes of paragraph (3)(e) is —
- (a) the information specified in paragraph (7); and
  - (b) the name of the business in whose name the card is held.
- (9) The information specified for the purposes of paragraph (3)(f) is —
- (a) the card number in relation to each credit card;
  - (b) the expiry date of each credit card; and
  - (c) the name of the business (if any) in whose name the card is held.
- (10) Where the relevant offender does not hold a passport so cannot provide the information specified in section 154(5)(h) and 154(6) of the Act the relevant offender must provide —
- (a) where the relevant offender holds any other identity document —
    - (i) the description of the identity document;

- (ii) the issue number (if any) of the identity document; and
    - (iii) the relevant offender's full name as it appears in the identity document; or
  - (b) where the relevant offender does not hold any other identity document, in relation to another document the relevant offender holds —
    - (i) the description of the document (including the name of any issuing authority);
    - (ii) the issue number (if any) of the document; and
    - (iii) the relevant offender's full name as it appears in the document.
- (11) Where the relevant offender is employed —
  - (a) the nature and place of the relevant offender's employment; and
  - (b) the name and business address of the relevant offender's employer.

## **7 Changes of circumstance**

- (1) The changes of circumstance set out in this regulation are prescribed for the purposes of section 155(1)(d) of the Act.
- (2) The changes of circumstance are where —
  - (a) the relevant offender —
    - (i) resides, or stays for a period of at least 12 hours, at a relevant household in relation to which there has been no notification under section 154(1) of the Act; or
    - (ii) ceases to reside or stay at a relevant household in relation to which there has been a notification under section 154(1) of the Act;
  - (b) an account which a relevant offender holds with a banking institution, as specified by regulation 6(3)(a), which has been —
    - (i) opened; or
    - (ii) closed;
  - (c) a debit card the relevant offender holds in relation to any account specified in regulation 6(3)(a) or (b) —
    - (i) has been supplied to the relevant offender; or
    - (ii) is no longer held by the relevant offender;
  - (d) an account the relevant offender holds with a credit card provider, as specified in regulation 6(3)(d) or (e) has been —
    - (i) opened; or
    - (ii) closed;

- (e) a credit card the relevant offender holds in relation to any account specified by regulation 6(3)(d) or (e) –
    - (i) has been supplied to the relevant offender; or
    - (ii) is no longer held by the relevant offender;
  - (f) any information previously notified by the relevant offender under regulation 6(3) has –
    - (i) altered; or
    - (ii) become incomplete;
  - (g) the relevant offender –
    - (i) obtains a passport, other identity document or other document relevant to regulation 6(10)(b) that has not been notified under section 154(1) or (5) of the Act; or
    - (ii) ceases to hold a passport, other identity document or other document which was notified under section 154(1) or (5) of the Act;
  - (h) the relevant offender gains or ceases a position of employment;
  - (i) the nature of the relevant offender’s employment changes;
  - (j) the place of the relevant offender’s employment changes;
  - (k) the name of the relevant offender’s employer changes;
  - (l) the business address of the relevant offender’s employer changes;
  - (m) there is a significant change to the relevant offender’s appearance or physicality.
- (3) In the case of a change of circumstances under paragraph (2)(a), notification under section 155(1) of the Act must disclose the date on which the relevant offender ceases to reside or stay at a relevant household.
- (4) In the case of a change of circumstance under paragraph (2)(m), notification under section 155(1) of the Act must disclose details of the significant change to the relevant offender’s appearance or physicality.
- (5) For the purposes of paragraph (2) and (4), a “significant change to the relevant offender’s appearance or physicality” means a permanent or long-lasting change to the relevant offender’s physical appearance which may affect a person’s ability to accurately identify the relevant offender, and which may include, but is not limited to, changes involving –
- (a) a tattoo;
  - (b) a scar;
  - (c) any other marks;
  - (d) cosmetic surgery; or
  - (e) gender reassignment.



## PART 4 - TRAVEL NOTIFICATIONS

### 8 Point of arrival in a country

- (1) For the purpose of section 158(2)(b) of the Act and of these regulations, a relevant offender's point of arrival in a country is to be determined in accordance with this regulation.
- (2) Where the relevant offender will arrive in a country by rail, sea or air, the relevant offender's point of arrival is the station, port or airport at which the relevant offender will first disembark.
- (3) Where the relevant offender will arrive in a country by any other means other than those mentioned in paragraph (2), the relevant offender's point of arrival is the place at which the relevant offender will first enter the country.

### 9 Notification to be given before leaving the Isle of Man

- (1) A relevant offender who intends to leave the Isle of Man for a period of 3 days or longer must give a travel notification in accordance with paragraphs (2) and (3).
- (2) Where a relevant offender knows the information required to be disclosed under a travel notification (including the information referred to in regulation 8) more than 7 days before the date of the relevant offender's intended departure, the relevant offender must give a notification which sets out that information and as much of the information required by regulation 10 as the relevant offender has at the time of the giving of the notification —
  - (a) not less than 7 days before the intended date of departure (the 7 day notification requirement); or
  - (b) as soon as reasonably practicable but not less than 24 hours before the intended date of departure, if and only if the relevant offender has a reasonable excuse for not complying with the 7 day notification requirement.
- (3) Where the relevant offender does not know some or all of the information required to be disclosed under a travel notification 7 or more days before the date of the relevant offender's intended date of departure, the relevant 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 10 as the relevant offender has.

### 10 Additional information to be disclosed in a travel notification

In addition to the information required by section 158(2)(a) and (b) of the Act, a relevant offender must notify the following information under a travel notification, where the relevant offender has such information —

- (a) the relevant offender's name and, if the relevant offender uses one or more other names, each of those names;
- (b) the relevant offender's home address;
- (c) the relevant offender's date of birth;
- (d) where the relevant offender intends to travel to more than one country outside the Isle of Man, that offender's intended point of arrival in each such additional country;
- (e) the identity of any carrier or carriers the relevant offender intends to use for the purposes of the relevant offender's departure from and return to the Isle of Man, and of travelling to any other point of arrival;
- (f) the dates on which the relevant offender intends to be in each country to which the relevant offender intends to travel;
- (g) details of the relevant offender's accommodation arrangements for each night the relevant offender is outside of the Isle of Man;
- (h) in a case in which the relevant offender intends to the return to the Isle of Man on a particular date, that date; and
- (i) in a case which the relevant offender intends to return to the Isle of Man at a particular point of arrival, that point of arrival.

## **11 Change to information notified under a travel notification before departure**

- (1) Where —
  - (a) a relevant offender has given a travel notification; and
  - (b) at any time prior to the relevant offender's intended departure from the Isle of Man, the information in that notification becomes inaccurate or incomplete,the relevant offender must give a further travel notification to provide the accurate and complete information required.
- (2) A further travel notification given as required under paragraph (1) must be given not less than 12 hours before the relevant offender's intended departure from the Isle of Man.
- (3) The relevant offender may not give notification under paragraph (2) less than 24 hours before the date of his intended departure unless he has a reasonable excuse for being unable to give such notification before that time.

## **12 Change to information notified under a travel notification after departure**

Where —

- (a) a relevant offender has given a travel notification; and

- (b) at any time after the relevant offender's departure from the Isle of Man, the information in that notification becomes inaccurate or incomplete,

the relevant offender must, as soon as is reasonably practicable, give a further travel notification to provide the accurate and complete information required.

### **13 Notification to be given on return to the Isle of Man**

- (1) This regulation applies to a relevant offender who —
  - (a) is required to give a travel notification;
  - (b) has left the Isle of Man; and
  - (c) subsequently returns to the Isle of Man.
- (2) Except as provided by paragraph (3) a relevant offender to whom this regulation applies must give a return notification within 3 days of the relevant offender's return to the Isle of Man.
- (3) A relevant offender to whom this regulation applies need not give a return notification in any case in which —
  - (a) the relevant offender gave a travel notification which notified —
    - (i) a date under regulation 10(h); and
    - (ii) a point of arrival under regulation 10(i); and
  - (b) the relevant offender's return to the Isle of Man occurred on that notified date and notified point of arrival.

### **14 Information to be disclosed in a return notification**

- (1) A return notification must disclose —
  - (a) the relevant offender's name and, if the relevant offender uses one or more other names, each of those names;
  - (b) the relevant offender's home address;
  - (c) the relevant offender's date of birth;
  - (d) the date of the relevant offender's return to the Isle of Man; and
  - (e) the relevant offender's point of arrival in the Isle of Man.

**MADE 19 FEBRUARY 2024**

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.