Terrorism Prevention and Investigation Measures Act 2011

2011 CHAPTER 23

Changes concerning TPIM notices

12 Variation of measures

(1) The Secretary of State may by notice (a "variation notice") vary measures specified in a TPIM notice if—

(a) the variation consists of the relaxation or removal of measures;

(b) the variation is made with the consent of the individual; or

(c) the Secretary of State reasonably considers that the variation is necessary for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity.

[[F1](1A) The Secretary of State may by variation notice vary a relocation measure so as to substitute a different specified residence if the Secretary of State reasonably considers that—

(a) the variation is necessary for reasons connected with the efficient and effective use of resources in relation to the individual; and

(b) the relocation measure (as varied) remains necessary for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity.

(1B) A "relocation measure" is a measure under paragraph 1(2) of Schedule 1 which requires the individual to reside at a specified residence within paragraph 1(3)(b) of that Schedule (requirement to reside at premises specified by Secretary of State other than individual's own residence).**]**

(2) The individual to whom a TPIM notice relates may make an application to the Secretary of State for the variation of measures specified in the TPIM notice.

(3) The Secretary of State must consider an application made under subsection (2).

(4) An application under subsection (2) must be made in writing.

(5) The Secretary of State may by notice request the provision, within such period of time as the notice may specify, of further information from the individual in connection with an application under subsection (2).

(6) The Secretary of State is not required to consider an application further unless any information requested under subsection (5) is provided in accordance with the notice mentioned in that subsection.

(7) A variation under subsection (1) **[**[F2]or (1A)**]** takes effect when the variation notice is served or, if later, at the time specified for this purpose in the variation notice.

(8) The power under subsection (1) **[**[F3]or (1A)**]** is exercisable whether or not an application has been made under subsection (2).

(9) In a case where a TPIM notice—

(a) has expired **[**[F4]as mentioned in section 13(6)(a)**]**, or

(b) has been revoked,

the power under subsection (1) **[**[F5]or (1A)**]** may (in particular) be exercised in relation to the TPIM notice before any revival of the TPIM notice under section 13(6) so as to take effect at the time that the TPIM notice comes back into force on its revival.

(10) In such a case, the question of whether condition D is met is to be determined for the purposes of section 13(6) by reference to the measures specified in the TPIM notice as they would be after the exercise of the power under subsection (1) **[**[F6]or (1A)**]**.

[[F7](11) Subsection (1A) does not limit the power under subsection (1).**]**

Textual Amendments

F1 S. 12(1A)(1B) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 36(2)(a)**, 50(2)(s)

F2 Words in s. 12(7) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 36(2)(b)**, 50(2)(s)

F3 Words in s. 12(8) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 36(2)(b)**, 50(2)(s)

F4 Words in s. 12(9)(a) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(4)**, 50(2)(s) (with s. 35(7)(8))

F5 Words in s. 12(9) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 36(2)(b)**, 50(2)(s)

F6 Words in s. 12(10) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 36(2)(b)**, 50(2)(s)

F7 S. 12(11) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 36(2)(c)**, 50(2)(s)

13 Revocation and revival of TPIM notices

(1) The Secretary of State may by notice (a "revocation notice") revoke a TPIM notice at any time.

(2) The revocation of a TPIM notice takes effect when the revocation notice is served or, if different, at the time specified for this purpose in the revocation notice.

(3) The individual to whom a TPIM notice relates may make an application to the Secretary of State for the revocation of the TPIM notice.

(4) The Secretary of State must consider an application made under subsection (3).

(5) The power under subsection (1) is exercisable whether or not an application has been made under subsection (3).

(6) The Secretary of State may by notice (a "revival notice") at any time revive a TPIM notice which—

(a) has expired, or

[[F8](i)**]** without being extended under section 5(2)**[**[F9], or

(ii) having been extended under section 5(2) on fewer than four occasions,**]** or

(b) has been revoked,

if conditions A, C and D are met.

(7) The power of revival may be exercised—

(a) under subsection (6) (a) or (b) whether or not the TPIM notice has previously been revoked and revived; and

(b) under subsection (6) (b) whether or not the TPIM notice has been extended under section 5(2) **[**[F10](and regardless of how many times it has been so extended)**]**.

(8) But the power of revival under subsection (6) (b) may not be exercised to revive a TPIM notice which the Secretary of State was required to revoke by directions given by the court in TPIM proceedings.

(9) A TPIM notice which is revived—

(a) comes back into force when the revival notice is served or, if later, at the time specified for this purpose in the revival notice; [F11]...

(b) is in force—

(i) for the period of one year (in a case where the revived notice had expired), or

(ii) for the period of time for which the TPIM notice would have continued in force if it had not been revoked (in a case where the revived notice had been revoked)**[**[F12]; and

(c) is treated as having been extended under section 5(2) on the same number of occasions (if any) as on which the revived notice had been so extended.**]**

Textual Amendments

F8 Words in s. 13(6)(a) renumbered as s. 13(6)(a)(i) (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(5)(a)(i)**, 50(2)(s) (with s. 35(7)(8))

F9 S. 13(6)(a)(ii) and word inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(5)(a)(ii)**, 50(2)(s) (with s. 35(7)(8))

F10 Words in s. 13(7)(b) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(5)(b)**, 50(2)(s) (with s. 35(7)(8))

F11 Word in s. 13(9)(a) omitted (29.6.2021) by virtue of Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(5)(c)(i)**, 50(2)(s) (with s. 35(7)(8))

F12 S. 13(9)(c) and word inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(5)(c)(ii)**, 50(2)(s) (with s. 35(7)(8))

14 Replacement of TPIM notice that is quashed etc

(1) This section applies if—

(a) a TPIM notice, the extension of a TPIM notice, or the revival of a TPIM notice, is quashed in TPIM proceedings, or

(b) a TPIM notice is revoked by the Secretary of State in compliance with directions given by the court in TPIM proceedings.

(2) The replacement TPIM notice is to be in force for the period of time for which the overturned notice would have continued in force but for the quashing or revocation.

[[F13](3) The replacement TPIM notice is to be treated as having been extended under section 5(2) on the same number of occasions (if any) as on which the overturned notice had been so extended (including any extension that was quashed).**]**

(4) Terrorism-related activity is to be treated as new terrorism-related activity in relation to the imposition of measures by the replacement TPIM notice if it was new terrorism-related activity in relation to the imposition of measures by the overturned notice.

(5) Terrorism-related activity that occurs after the coming into force of the overturned notice does not cease to be new terrorism-related activity by virtue of the coming into force of the replacement TPIM notice.

(6) Subsections (2) to (5) do not apply to the replacement notice if—

(a) some or all of the relevant activity (within the meaning of section 3) occurred after the overturned notice came into force, and

(b) the Secretary of State determines that those subsections should not apply to that notice.

(7) In this section—

"new terrorism-related activity" has the same meaning as in section 3;

"overturned notice" means the TPIM notice to which the quashing or revocation referred to in subsection (1) relates;

"replacement TPIM notice" means the first TPIM notice to impose measures on the individual to whom the overturned notice relates after the quashing or revocation referred to in subsection (1).

Textual Amendments

F13 S. 14(3) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 35(6)**, 50(2)(s) (with s. 35(7)(8))

15 Other provision relating to the quashing of TPIM notices etc

(1) A power in TPIM proceedings to quash a TPIM notice, the extension of a TPIM notice, the revival of a TPIM notice, or measures specified in a TPIM notice, includes—

(a) in England and Wales or Northern Ireland, power to stay the quashing for a specified time, or pending an appeal or further appeal against the decision to quash; or

(b) in Scotland, power to determine that the quashing is of no effect for a specified time or pending such an appeal or further appeal.

(2) A decision in TPIM proceedings to quash measures specified in a TPIM notice, or (except as provided in section 14) a decision in TPIM proceedings to quash, or to give directions to the Secretary of State in relation to, a TPIM notice, the extension of a TPIM notice, or the revival of a TPIM notice, does not prevent the Secretary of State—

(a) from exercising any power under this Act to impose measures (whether or not to the same or similar effect as measures to which the decision relates), or

(b) from relying, in whole or in part, on any matters for the purpose of so exercising such a power (whether or not the matters were relied on in exercising powers under this Act in relation to measures or the TPIM notice to which the decision relates).

(3) Schedule 3 (appeals against convictions) has effect.

Changes to legislation:
There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Changes concerning TPIM notices.