



# Prevention of Terrorism Act 2005

## 2005 CHAPTER 2

### *Control orders*

#### **7 Modification, notification and proof of orders etc.**

- (1) If while a non-derogating control order is in force the controlled person considers that there has been a change of circumstances affecting the order, he may make an application to the Secretary of State for—
  - (a) the revocation of the order; or
  - (b) the modification of an obligation imposed by the order;and it shall be the duty of the Secretary of State to consider the application.
- (2) The Secretary of State may, at any time (whether or not in response to an application by the controlled person)—
  - (a) revoke a non-derogating control order;
  - (b) relax or remove an obligation imposed by such an order;
  - (c) with the consent of the controlled person, modify the obligations imposed by such an order; or
  - (d) make to the obligations imposed by such an order any modifications which he considers necessary for purposes connected with preventing or restricting involvement by the controlled person in terrorism-related activity.
- (3) The Secretary of State may not make to the obligations imposed by a control order any modification the effect of which is that a non-derogating control order becomes an order imposing a derogating obligation.
- (4) An application may be made at any time to the court—
  - (a) by the Secretary of State, or
  - (b) by the controlled person,for the revocation of a derogating control order or for the modification of obligations imposed by such an order.
- (5) On such an application, the court may modify the obligations imposed by the derogating control order only where—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the modification consists in the removal or relaxation of an obligation imposed by the order;
  - (b) the modification has been agreed to by both the controlled person and the Secretary of State; or
  - (c) the modification is one which the court considers necessary for purposes connected with preventing or restricting involvement by the controlled person in terrorism-related activity.
- (6) The court may not, by any modification of the obligations imposed by a derogating control order, impose any derogating obligation unless—
- (a) it considers that the modification is necessary for purposes connected with protecting members of the public from a risk of terrorism; and
  - (b) it appears to the court that the risk is one arising out of, or is associated with, the public emergency in respect of which the designated derogation in question has effect.
- (7) If the court at any time determines that a derogating control order needs to be modified so that it no longer imposes derogating obligations, it must revoke the order.
- (8) The controlled person is bound by—
- (a) a control order,
  - (b) the renewal of a control order, or
  - (c) a modification by virtue of subsection (2)(d) or (5)(c),
- only if a notice setting out the terms of the order, renewal or modification has been delivered to him in person.
- (9) For the purpose of delivering a notice under subsection (8) to the controlled person a constable or a person authorised for the purpose by the Secretary of State may (if necessary by force)—
- (a) enter any premises where he has reasonable grounds for believing that person to be; and
  - (b) search those premises for him.
- (10) Where the Secretary of State revokes a control order or modifies it by virtue of subsection (2)(b) or (c)—
- (a) he must give notice of the revocation or modification to the controlled person; and
  - (b) the notice must set out the time from which the revocation or modification takes effect.
- (11) A control order, or the renewal, revocation or modification of such an order, may be proved by the production of a document purporting to be certified by the Secretary of State or the court as a true copy of—
- (a) the order; or
  - (b) the instrument of renewal, revocation or modification;
- but this does not prevent the proof of a control order, or of the renewal, revocation or modification of such an order, in other ways.