

*These notes refer to the Terrorism Prevention and Investigation Measures Act 2011 (c.23) which received Royal Assent on 14 December 2011*

# **TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 11: Review of ongoing necessity***

85. The Court of Appeal held in *Secretary of State for the Home Department v MB [2006] EWCA Civ 1140*, in the context of control orders, that “it is the duty of the Secretary of State to keep the decision to impose the control order under review, so that the restrictions that it imposes, whether on civil rights or Convention rights, are no greater than necessary”. As noted above, it consequently read down the 2005 Act to this effect.
86. This section reflects this requirement under case law on the face of the legislation, placing a duty on the Secretary of State to keep under review the necessity of a TPIM notice, and the measures imposed under it, while the notice is in force.