

TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 29, Schedules 7 and 8: Financial and supplemental provisions

140. *Subsection (1)* grants the Secretary of State authority to purchase services in relation to any form of monitoring in connection with measures specified in TPIM notices. This would include for example electronic monitoring of compliance with the overnight residence requirement provided for in Schedule 1.
141. *Subsection (3)* gives effect to Schedule 7 (minor and consequential amendments), and *subsection (4)* gives effect to Schedule 8 (transitional and saving provisions). *Paragraphs 1* and *9* of Schedule 8 provide for a transitional period of 42 days during which existing control orders will remain in force following commencement of this Act (unless quashed or revoked before the end of that period). *Paragraph 2* makes savings provisions. These have the effect that, for example, existing control orders may still be modified during the transitional period. *Paragraph 3* makes provision in relation to the continuation of control order proceedings after repeal of the 2005 Act. It provides that the repeal of that Act does not prevent the continuation or bringing of certain control order proceedings, but that (save for damages claims) those proceedings may only be for the purpose of determining whether quashing is appropriate. *Paragraph 4* has the effect that the Secretary of State may impose a TPIM notice on an individual who has previously been subject to a control order. *Paragraphs 5, 6* and *8* make transitional provision in relation to the Secretary of State's duty under the 2005 Act to report on control order powers and in relation to the independent reviewer's duties under the 2005 Act and section 20 of the Act. *Paragraph 7* provides that these savings provisions have effect notwithstanding the fact that, but for the Act, the control order powers would have expired after 31st December 2011 (the date up until which the control order powers were most recently renewed by virtue of the Prevention of Terrorism Act 2005 (Continuance in Force of Sections 1 to 9) Order 2011¹).