



# Terrorism Prevention and Investigation Measures Act 2011

## 2011 CHAPTER 23

### *Other safeguards*

#### **21 Expiry and repeal of TPIM powers**

- (1) Except so far as otherwise provided under this section, the Secretary of State's TPIM powers expire at the end of 5 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may, by order made by statutory instrument—
  - (a) repeal the Secretary of State's TPIM powers;
  - (b) at any time revive the Secretary of State's TPIM powers for a period not exceeding 5 years;
  - (c) provide that the Secretary of State's TPIM powers—
    - (i) are not to expire at the time when they would otherwise expire under subsection (1) or in accordance with an order under this subsection; but
    - (ii) are to continue in force after that time for a period not exceeding 5 years.
- (3) Before making an order under this section the Secretary of State must consult—
  - (a) the independent reviewer appointed for the purposes of section 20;
  - (b) [F1the Investigatory Powers Commissioner] ; and
  - (c) the Director-General of the Security Service.
- (4) An order under this section may not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (5) Subsection (4) does not apply to an order that contains a declaration by the Secretary of State that the order needs, by reason of urgency, to be made without the approval required by that subsection.
- (6) An order that contains such a declaration—

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**Changes to legislation:** There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Section 21. (See end of Document for details)

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- (a) must be laid before Parliament after being made; and
  - (b) if not approved by a resolution of each House before the end of 40 days beginning with the day on which the order was made, ceases to have effect at the end of that period.
- (7) Where an order ceases to have effect in accordance with subsection (6), that does not—
- (a) affect anything previously done in reliance on the order; or
  - (b) prevent the making of a new order to the same or similar effect.
- (8) In this section—
- “40 days” means 40 days computed as provided for in section 7(1) of the Statutory Instruments Act 1946;
  - “Secretary of State's TPIM powers” means—
    - (a) the power to impose a TPIM notice under section 2;
    - (b) the power to extend a TPIM notice under section 5(2);
    - (c) the power to vary a TPIM notice under section 12(1)(c) [<sup>F2</sup>or (1A)]; and
    - (d) the power to revive a TPIM notice under section 13(6) to (9).

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#### Textual Amendments

- F1** Words in s. 21(3)(b) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), s. 272\(1\), Sch. 10 para. 95](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(j)
- F2** Words in s. 21(8) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 36\(4\), 50\(2\)\(s\)](#)
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#### Modifications etc. (not altering text)

- C1** TPIM powers do not expire and continue in force under s. 21(2)(c) until the end of 13.12.2021 (13.12.2016) by [The Terrorism Prevention and Investigation Measures Act 2011 \(Continuation\) Order 2016 \(S.I. 2016/1166\), arts. 1, 2](#)
- C2** TPIM powers do not expire and continue in force under s. 21(2)(c) until the end of 13.12.2026 (13.12.2021) by [The Terrorism Prevention and Investigation Measures Act 2011 \(Continuation\) Order 2021 \(S.I. 2021/1386\), arts. 1\(1\), 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Section 21.