



Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 1

TEMPORARY RESTRICTIONS ON TRAVEL

CHAPTER 2

TEMPORARY EXCLUSION FROM THE UNITED KINGDOM

Imposition of temporary exclusion orders

2 Temporary exclusion orders

- (1) A “temporary exclusion order” is an order which requires an individual not to return to the United Kingdom unless—
 - (a) the return is in accordance with a permit to return issued by the Secretary of State before the individual began the return, or
 - (b) the return is the result of the individual's deportation to the United Kingdom.
- (2) The Secretary of State may impose a temporary exclusion order on an individual if conditions A to E are met.
- (3) Condition A is that the Secretary of State reasonably suspects that the individual is, or has been, involved in terrorism-related activity outside the United Kingdom.
- (4) Condition B is that the Secretary of State reasonably considers that it is necessary, for purposes connected with protecting members of the public in the United Kingdom from a risk of terrorism, for a temporary exclusion order to be imposed on the individual.
- (5) Condition C is that the Secretary of State reasonably considers that the individual is outside the United Kingdom.
- (6) Condition D is that the individual has the right of abode in the United Kingdom.

Changes to legislation: Counter-Terrorism and Security Act 2015, Cross Heading: Imposition of temporary exclusion orders is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) Condition E is that—
- (a) the court gives the Secretary of State permission under section 3, or
 - (b) the Secretary of State reasonably considers that the urgency of the case requires a temporary exclusion order to be imposed without obtaining such permission.
- (8) During the period that a temporary exclusion order is in force, the Secretary of State must keep under review whether condition B is met.

3 Temporary exclusion orders: prior permission of the court

- (1) This section applies if the Secretary of State—
- (a) makes the relevant decisions in relation to an individual, and
 - (b) makes an application to the court for permission to impose a temporary exclusion order on the individual.
- (2) The function of the court on the application is to determine whether the relevant decisions of the Secretary of State are obviously flawed.
- (3) The court may consider the application—
- (a) in the absence of the individual,
 - (b) without the individual having been notified of the application, and
 - (c) without the individual having been given an opportunity (if the individual was aware of the application) of making any representations to the court.
- (4) But that does not limit the matters about which rules of court may be made.
- (5) In determining the application, the court must apply the principles applicable on an application for judicial review.
- (6) In a case where the court determines that any of the relevant decisions of the Secretary of State is obviously flawed, the court may not give permission under this section.
- (7) In any other case, the court must give permission under this section.
- (8) Schedule 2 makes provision for references to the court etc where temporary exclusion orders are imposed in cases of urgency.
- (9) Only the Secretary of State may appeal against a determination of the court under—
- (a) this section, or
 - (b) Schedule 2;
- and such an appeal may only be made on a question of law.
- (10) In this section “the relevant decisions” means the decisions that the following conditions are met—
- (a) condition A;
 - (b) condition B;
 - (c) condition C;
 - (d) condition D.

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4 Temporary exclusion orders: supplementary provision

- (1) The Secretary of State must give notice of the imposition of a temporary exclusion order to the individual on whom it is imposed (the “excluded individual”).
- (2) Notice of the imposition of a temporary exclusion order must include an explanation of the procedure for making an application under section 6 for a permit to return.
- (3) A temporary exclusion order—
 - (a) comes into force when notice of its imposition is given; and
 - (b) is in force for the period of two years (unless revoked or otherwise brought to an end earlier).
- (4) The Secretary of State may revoke a temporary exclusion order at any time.
- (5) The Secretary of State must give notice of the revocation of a temporary exclusion order to the excluded individual.
- (6) If a temporary exclusion order is revoked, it ceases to be in force when notice of its revocation is given.
- (7) The validity of a temporary exclusion order is not affected by the excluded individual—
 - (a) returning to the United Kingdom, or
 - (b) departing from the United Kingdom.
- (8) The imposition of a temporary exclusion order does not prevent a further temporary exclusion order from being imposed on the excluded individual (including in a case where an order ceases to be in force at the expiry of its two year duration).
- (9) At the time when a temporary exclusion order comes into force, any British passport held by the excluded individual is invalidated.
- (10) During the period when a temporary exclusion order is in force, the issue of a British passport to the excluded individual while he or she is outside the United Kingdom is not valid.
- (11) In this section “British passport” means a passport, or other document which enables or facilitates travel from one state to another (except a permit to return), that has been—
 - (a) issued by or for Her Majesty's Government in the United Kingdom, and
 - (b) issued in respect of a person's status as a British citizen.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(1)(ba) inserted by [2023 c. 16 Sch. para. 15\(2\)\(b\)](#)