



Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 1

TEMPORARY RESTRICTIONS ON TRAVEL

CHAPTER 2

TEMPORARY EXCLUSION FROM THE UNITED KINGDOM

Offences and proceedings etc

11 Review of decisions relating to temporary exclusion orders

- (1) This section applies where an individual who is subject to a temporary exclusion order is in the United Kingdom.
- (2) The individual may apply to the court to review any of the following decisions of the Secretary of State—
 - (a) a decision that any of the following conditions was met in relation to the imposition of the temporary exclusion order—
 - (i) condition A;
 - (ii) condition B;
 - (iii) condition C;
 - (iv) condition D;
 - (b) a decision to impose the temporary exclusion order;
 - (c) a decision that condition B continues to be met;
 - (d) a decision to impose any of the permitted obligations on the individual by a notice under section 9.
- (3) On a review under this section, the court must apply the principles applicable on an application for judicial review.

Status: This is the original version (as it was originally enacted).

- (4) On a review of a decision within subsection (2)(a) to (c), the court has the following powers (and only those powers)—
- (a) power to quash the temporary exclusion order;
 - (b) power to give directions to the Secretary of State for, or in relation to, the revocation of the temporary exclusion order.
- (5) If the court does not exercise either of its powers under subsection (4), the court must decide that the temporary exclusion order is to continue in force.
- (6) On a review of a decision within subsection (2)(d), the court has the following powers (and only those powers)—
- (a) power to quash the permitted obligation in question;
 - (b) if that is the only permitted obligation imposed by the notice under section 9, power to quash the notice;
 - (c) power to give directions to the Secretary of State for, or in relation to—
 - (i) the variation of the notice so far as it relates to that permitted obligation, or
 - (ii) if that is the only permitted obligation imposed by the notice, the revocation of the notice.
- (7) If the court does not exercise any of its powers under subsection (6), the court must decide that the notice under section 9 is to continue in force.
- (8) If the court exercises a power under subsection (6)(a) or (c)(i), the court must decide that the notice under section 9 is to continue in force subject to that exercise of that power.
- (9) The power under this section to quash a temporary exclusion order, permitted obligation or notice under section 9 includes—
- (a) in England and Wales or Northern Ireland, power to stay the quashing for a specified time, or pending an appeal or further appeal against the decision to quash; or
 - (b) in Scotland, power to determine that the quashing is of no effect for a specified time or pending such an appeal or further appeal.
- (10) An appeal against a determination of the court on a review under this section may only be made on a question of law.
- (11) For the purposes of this section, a failure by the Secretary of State to make a decision whether condition B continues to be met is to be treated as a decision that it continues to be met.