

SCHEDULES

SCHEDULE 8

Section 29

TRANSITIONAL AND SAVING PROVISION

Saving of control orders during transitional period

- 1 A control order which is in force immediately before commencement is to remain in force until the end of the transitional period (unless revoked or quashed before the end of that period).

Savings during and after transitional period

- 2 (1) An enactment which is amended or repealed by this Act is to continue to apply after commencement in relation to—
- (a) control orders made before commencement, and
 - (b) the operation before commencement of the PTA 2005,
- as if the enactment had not been so amended or repealed.
- (2) Sub-paragraph (1) is subject to paragraph 3(2) and (3).

Savings etc for court proceedings

- 3 (1) The repeal of the PTA 2005 by this Act does not, after commencement, prevent or otherwise affect—
- (a) the court's consideration of a reference made under section 3(3)(a) of the PTA 2005 before commencement;
 - (b) the holding or continuation of any hearing in pursuance of directions under section 3(2)(c) or (6)(b) or (c) of the PTA 2005;
 - (c) the bringing or continuation of any appeal under section 10(1) or (3) of the PTA 2005;
 - (d) the bringing or continuation of any appeal, or further appeal, relating to a decision in any proceedings mentioned in any of sub-paragraphs (a) to (c) of this sub-paragraph; or
 - (e) the bringing or continuation of any proceedings for an award of damages or other relief arising out of any such proceedings.
- (2) But, after commencement, proceedings mentioned in any of sub-paragraphs (a) to (d) of sub-paragraph (1) (whether the proceedings began before or after commencement) may not have a purpose other than determining whether one or more of the following should be quashed—
- (a) a certificate of the kind mentioned in section 3(8) of the PTA 2005;
 - (b) a control order;
 - (c) the renewal of a control order; or
 - (d) an obligation imposed by a control order.

Status: This is the original version (as it was originally enacted).

- (3) Except as permitted by sub-paragraphs (1) and (2), no control order proceedings (within the meaning of section 11(6) of the PTA 2005) may be entertained after commencement.

New powers not affected by previous control order

- 4 The Secretary of State's powers under this Act in relation to an individual are not affected by a control order having been made in relation to that individual.

Last report on exercise of powers under PTA 2005

- 5 (1) Section 14(1) of the PTA 2005 applies to the period that—
- (a) begins immediately after the end of the last relevant 3 month period to end before commencement, and
 - (b) ends immediately before commencement,
- as if that period were a relevant 3 month period.
- (2) In this paragraph “relevant 3 month period” has the same meaning as in section 14 of the PTA 2005.

Last review of operation of PTA 2005

- 6 (1) Section 14(3) of the PTA 2005 does not apply to the last PTA review year.
- (2) But section 14(3) applies to the period that—
- (a) begins with the start of the last PTA review year, and
 - (b) ends immediately before commencement,
- as if that period were a PTA review year.
- (3) In this paragraph—
- “last PTA review year” means the last PTA review year to end before commencement;
- “PTA review year” means a period determined in accordance with section 14(3)(b) of the PTA 2005.

Savings of PTA 2005 not affected by expected expiry

- 7 The fact that sections 1 to 9 of the PTA 2005 would have expired (but for their repeal by this Act) by virtue of section 13 of the PTA 2005 at a time after commencement does not prevent those sections from continuing to apply in accordance with, or for the purposes of, any other provision of this Schedule after the time when those sections would have so expired.

First review of operation of Act

- 8 (1) The review carried out under section 20(2) in respect of the first review year must also include a review in respect of so much of the preceding calendar year as falls on or after commencement (but for the purposes of section 20(3) that part of the review is to be treated as relating the first review year).
- (2) In this paragraph “first review year” means the first complete calendar year beginning after the passing of this Act.

Interpretation

9 In this Schedule—

“commencement” means the coming into force of this Act;

“control order” has the same meaning as in the PTA 2005;

“PTA 2005” means the Prevention of Terrorism Act 2005;

“transitional period” means the period of 42 days that begins with the day of commencement.