



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.

Status: This is the original version (as it was originally enacted).

- (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.

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.