



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

10 Offences

- (1) An individual subject to a temporary exclusion order is guilty of an offence if, without reasonable excuse, the individual returns to the United Kingdom in contravention of the restriction on return specified in the order.
- (2) It is irrelevant for the purposes of subsection (1) whether or not the individual has a passport or other similar identity document.
- (3) An individual subject to an obligation imposed under section 9 is guilty of an offence if, without reasonable excuse, the individual does not comply with the obligation.
- (4) In a case where a relevant notice has not actually been given to an individual, the fact that the relevant notice is deemed to have been given to the individual under regulations under section 13 does not (of itself) prevent the individual from showing that lack of knowledge of the temporary exclusion order, or of the obligation imposed under section 9, was a reasonable excuse for the purposes of this section.
- (5) An individual guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;

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- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.
- (6) Where an individual is convicted by or before a court of an offence under this section, it is not open to that court to make in respect of the offence—
- (a) an order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge);
 - (b) an order under section 227A of the Criminal Procedure (Scotland) Act 1995 (community pay-back orders); or
 - (c) an order under Article 4(1)(b) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (conditional discharge in Northern Ireland).
- (7) In this section—
- “relevant notice” means—
 - (a) notice of the imposition of a temporary exclusion order, or
 - (b) notice under section 9 imposing an obligation;
 - “restriction on return” means the requirement specified in a temporary exclusion order in accordance with section 2(1).
- (8) In section 2 of the UK Borders Act 2007 (detention at ports), in subsection (1A), for “the individual is subject to a warrant for arrest” substitute “the individual—
- (a) may be liable to be detained by a constable under section 14 of the Criminal Procedure (Scotland) Act 1995 in respect of an offence under section 10(1) of the Counter-Terrorism and Security Act 2015, or
 - (b) is subject to a warrant for arrest.”

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.

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- (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.

12 Temporary exclusion orders: proceedings and appeals against convictions

- (1) Schedule 3 makes provision about proceedings relating to temporary exclusion orders.
- (2) Schedule 4 makes provision about appeals against convictions in cases where a temporary exclusion order, a notice under section 9 or a permitted obligation is quashed.