

PREVENTION OF TERRORISM ACT 2005

EXPLANATORY NOTES

COMMENTARY

Section 2: Making of non-derogating control orders

Subsections (1) and (2)

27. Subsection (1) provides that the Secretary of State may make a non-derogating control order if he –
- a) has reasonable grounds for suspecting that the individual is or has been involved in terrorism-related activity; and
 - b) considers that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, to make a control order imposing obligations on the individual.
28. Subsection (2) explains that the Secretary of State can impose a control order on an individual already subject to a control order imposed by the court, only if the court has decided to revoke its control order but has postponed that revocation in order to allow the Secretary of State to decide whether to impose his own.

Subsections (4) and (5)

29. Subsection (4) states that a non-derogating control order will last for 12 months and may be renewed. Subsection (5) says that a non-derogating control order must state when it will cease to have effect.

Subsections (6) to (8)

30. Subsection (6) provides that a non-derogating control order may be renewed for 12 months where the Secretary of State considers that it is necessary for the order to continue in force, for purposes connected with protecting members of the public from a risk of terrorism, and that any obligations imposed by the renewed order are necessary for purposes connected with preventing or restricting involvement by the controlled person in terrorism-related activity. Subsection (7) makes further provision about the time from which the 12 month renewal period will begin to run. Subsection (8) states that the instrument renewing a non-derogating order must specify the expiry date of the renewed order.

Subsection (9)

31. Subsection (9) provides that obligations may be imposed as part of control orders in order to prevent involvement in any terrorism-related activity, not just the activity which gave rise to the grounds for the Secretary of State's suspicion that the controlled person was or had been involved in terrorism-related activity.