



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Control orders

1 Power to make control orders

- (1) In this Act “control order” means an order against an individual that imposes obligations on him for purposes connected with protecting members of the public from a risk of terrorism.
- (2) The power to make a control order against an individual shall be exercisable—
 - (a) except in the case of an order imposing obligations that are incompatible with the individual’s right to liberty under Article 5 of the Human Rights Convention, by the Secretary of State; and
 - (b) in the case of an order imposing obligations that are or include derogating obligations, by the court on an application by the Secretary of State.
- (3) The obligations that may be imposed by a control order made against an individual are any obligations that the Secretary of State or (as the case may be) the court considers necessary for purposes connected with preventing or restricting involvement by that individual in terrorism-related activity.
- (4) Those obligations may include, in particular—
 - (a) a prohibition or restriction on his possession or use of specified articles or substances;
 - (b) a prohibition or restriction on his use of specified services or specified facilities, or on his carrying on specified activities;
 - (c) a restriction in respect of his work or other occupation, or in respect of his business;
 - (d) a restriction on his association or communications with specified persons or with other persons generally;
 - (e) a restriction in respect of his place of residence or on the persons to whom he gives access to his place of residence;
 - (f) a prohibition on his being at specified places or within a specified area at specified times or on specified days;

Status: This is the original version (as it was originally enacted).

- (g) a prohibition or restriction on his movements to, from or within the United Kingdom, a specified part of the United Kingdom or a specified place or area within the United Kingdom;
 - (h) a requirement on him to comply with such other prohibitions or restrictions on his movements as may be imposed, for a period not exceeding 24 hours, by directions given to him in the specified manner, by a specified person and for the purpose of securing compliance with other obligations imposed by or under the order;
 - (i) a requirement on him to surrender his passport, or anything in his possession to which a prohibition or restriction imposed by the order relates, to a specified person for a period not exceeding the period for which the order remains in force;
 - (j) a requirement on him to give access to specified persons to his place of residence or to other premises to which he has power to grant access;
 - (k) a requirement on him to allow specified persons to search that place or any such premises for the purpose of ascertaining whether obligations imposed by or under the order have been, are being or are about to be contravened;
 - (l) a requirement on him to allow specified persons, either for that purpose or for the purpose of securing that the order is complied with, to remove anything found in that place or on any such premises and to subject it to tests or to retain it for a period not exceeding the period for which the order remains in force;
 - (m) a requirement on him to allow himself to be photographed;
 - (n) a requirement on him to co-operate with specified arrangements for enabling his movements, communications or other activities to be monitored by electronic or other means;
 - (o) a requirement on him to comply with a demand made in the specified manner to provide information to a specified person in accordance with the demand;
 - (p) a requirement on him to report to a specified person at specified times and places.
- (5) Power by or under a control order to prohibit or restrict the controlled person's movements includes, in particular, power to impose a requirement on him to remain at or within a particular place or area (whether for a particular period or at particular times or generally).
- (6) The reference in subsection (4)(n) to co-operating with specified arrangements for monitoring includes a reference to each of the following—
- (a) submitting to procedures required by the arrangements;
 - (b) wearing or otherwise using apparatus approved by or in accordance with the arrangements;
 - (c) maintaining such apparatus in the specified manner;
 - (d) complying with directions given by persons carrying out functions for the purposes of those arrangements.
- (7) The information that the controlled person may be required to provide under a control order includes, in particular, advance information about his proposed movements or other activities.
- (8) A control order may provide for a prohibition, restriction or requirement imposed by or under the order to apply only where a specified person has not given his consent or approval to what would otherwise contravene the prohibition, restriction or requirement.

(9) For the purposes of this Act involvement in terrorism-related activity is any one or more of the following—

- (a) the commission, preparation or instigation of acts of terrorism;
- (b) conduct which facilitates the commission, preparation or instigation of such acts, or which is intended to do so;
- (c) conduct which gives encouragement to the commission, preparation or instigation of such acts, or which is intended to do so;
- (d) conduct which gives support or assistance to individuals who are known or believed to be involved in terrorism-related activity;

and for the purposes of this subsection it is immaterial whether the acts of terrorism in question are specific acts of terrorism or acts of terrorism generally.

(10) In this Act—

“derogating obligation” means an obligation on an individual which—

- (a) is incompatible with his right to liberty under Article 5 of the Human Rights Convention; but
- (b) is of a description of obligations which, for the purposes of the designation of a designated derogation, is set out in the designation order;

“designated derogation” has the same meaning as in the Human Rights Act 1998 (c. 42) (see section 14(1) of that Act);

“designation order”, in relation to a designated derogation, means the order under section 14(1) of the Human Rights Act 1998 by which the derogation is designated.