



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Supplemental

13 Duration of sections 1 to 9

- (1) Except so far as otherwise provided under this section, sections 1 to 9 expire at the end of the period of 12 months beginning with the day on which this Act is passed.
- (2) The Secretary of State may, by order made by statutory instrument—
 - (a) repeal sections 1 to 9;
 - (b) at any time revive those sections for a period not exceeding one year; or
 - (c) provide that those sections—
 - (i) are not to expire at the time when they would otherwise expire under subsection (1) or in accordance with an order under this subsection; but
 - (ii) are to continue in force after that time for a period not exceeding one year.
- (3) Before making an order under this section the Secretary of State must consult—
 - (a) the person appointed for the purposes of section 14(2);
 - (b) the Intelligence Services Commissioner; and
 - (c) the Director-General of the Security Service.
- (4) No order may be made by the Secretary of State under this section unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (5) Subsection (4) does not apply to an order that contains a declaration by the Secretary of State that the order needs, by reason of urgency, to be made without the approval required by that subsection.
- (6) An order under this section that contains such a declaration—
 - (a) must be laid before Parliament after being made; and
 - (b) if not approved by a resolution of each House before the end of 40 days beginning with the day on which the order was made, ceases to have effect at the end of that period.

Status: This is the original version (as it was originally enacted).

- (7) Where an order ceases to have effect in accordance with subsection (6), that does not—
- (a) affect anything previously done in reliance on the order; or
 - (b) prevent the making of a new order to the same or similar effect.
- (8) Where sections 1 to 9 expire or are repealed at any time by virtue of this section, that does not prevent or otherwise affect—
- (a) the court's consideration of a reference made before that time under subsection (3)(a) of section 3;
 - (b) the holding or continuation after that time of any hearing in pursuance of directions under subsection (2)(c) or (6)(b) or (c) of that section;
 - (c) the holding or continuation after that time of a hearing to determine whether to confirm a derogating control order (with or without modifications); or
 - (d) the bringing or continuation after that time of any appeal, or further appeal, relating to a decision in any proceedings mentioned in paragraphs (a) to (c) of this subsection;
- but proceedings may be begun or continued by virtue of this subsection so far only as they are for the purpose of determining whether a certificate of the Secretary of State, a control order or an obligation imposed by such an order should be quashed or treated as quashed.
- (9) Nothing in this Act about the period for which a control order is to have effect or is renewed enables such an order to continue in force after the provision under which it was made or last renewed has expired or been repealed by virtue of this section.
- (10) In subsection (6) “40 days” means 40 days computed as provided for in section 7(1) of the Statutory Instruments Act 1946 (c. 36).