



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Supplemental

15 General interpretation

(1) In this Act—

“act” and “conduct” include omissions and statements;

“act of terrorism” includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (c. 11) (see section 1(5) of that Act);

“apparatus” includes any equipment, machinery or device and any wire or cable, together with any software used with it;

“article” and “information” include documents and other records, and software;

“contravene” includes fail to comply, and cognate expressions are to be construed accordingly;

“control order” has the meaning given by section 1(1);

“control order proceedings” has the meaning given by section 11(6);

“the controlled person”, in relation to a control order, means the individual on whom the order imposes obligations;

“the court”—

(a) in relation to proceedings relating to a control order in the case of which the controlled person is a person whose principal place of residence is in Scotland, means the Outer House of the Court of Session;

(b) in relation to proceedings relating to a control order in the case of which the controlled person is a person whose principal place of residence is in Northern Ireland, means the High Court in Northern Ireland; and

(c) in any other case, means the High Court in England and Wales;

“derogating control order” means a control order imposing obligations that are or include derogating obligations;

“derogating obligation”, “designated derogation” and “designation order” have the meanings given by section 1(10);

Status: This is the original version (as it was originally enacted).

“the Human Rights Convention” means the Convention within the meaning of the Human Rights Act 1998 (c. 42) (see section 21(1) of that Act);

“modification” includes omission, addition or alteration, and cognate expressions are to be construed accordingly;

“non-derogating control order” means a control order made by the Secretary of State;

“passport” means—

- (a) a United Kingdom passport (within the meaning of the Immigration Act 1971 (c. 77));
- (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom, or by or on behalf of an international organisation;
- (c) a document that can be used (in some or all circumstances) instead of a passport;

“premises” includes any vehicle, vessel, aircraft or hovercraft;

“the public” means the public in the whole or a part of the United Kingdom or the public in another country or territory, or any section of the public;

“specified”, in relation to a control order, means specified in that order or falling within a description so specified;

“terrorism” has the same meaning as in the Terrorism Act 2000 (c. 11) (see section 1(1) to (4) of that Act);

“terrorism-related activity” and, in relation to such activity, “involvement” are to be construed in accordance with section 1(9).

- (2) A power under this Act to quash a control order, the renewal of such an order or an obligation imposed by such an order includes power—
 - (a) in England and Wales or Northern Ireland, to stay the quashing of the order, renewal or obligation pending an appeal, or further appeal, against the decision to quash; and
 - (b) in Scotland, to determine that the quashing is of no effect pending such an appeal or further appeal.
- (3) Every power of the Secretary of State or of the court to revoke a control order or to modify the obligations imposed by such an order—
 - (a) includes power to provide for the revocation or modification to take effect from such time as the Secretary of State or (as the case may be) the court may determine; and
 - (b) in the case of a revocation by the court (including a revocation in pursuance of section 7(7)) includes power to postpone the effect of the revocation either pending an appeal or for the purpose of giving the Secretary of State an opportunity to decide whether to exercise his own powers to make a control order against the individual in question.
- (4) For the purposes of this Act a failure by the Secretary of State to consider an application by the controlled person for—
 - (a) the revocation of a control order, or
 - (b) the modification of an obligation imposed by such an order,
 is to be treated as a decision by the Secretary of State not to revoke or (as the case may be) not to modify the order.