

COUNTER-TERRORISM AND SECURITY ACT 2015

EXPLANATORY NOTES

PART 2: TERRORISM PREVENTION AND INVESTIGATION MEASURES

Commentary on Sections

83. [Sections 16 to 20](#) amend the TPIM Act. Schedule 1 to the TPIM Act sets out an exhaustive list of the types of measures which may be imposed on an individual served with a TPIM notice. The Secretary of State may impose any or all of the measures that he or she reasonably considers necessary, for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity.

Section 16: TPIMs: overnight residence measure

84. *Subsections (1) to (5)* amend [paragraph 1](#) of Schedule 1 to the TPIM Act to provide that the Secretary of State may either agree with an individual a locality in which that individual must reside or require an individual to live in a residence in a locality that the Secretary of State otherwise considers appropriate. If there are premises that are the individual's own residence at the time when the TPIM notice is imposed, the Secretary of State may only require the individual to live in a residence that is more than 200 miles from those premises if the individual agrees.
85. *Subsection (5)* reproduces existing provision in [paragraph 1](#) of Schedule 1 to the TPIM Act to the effect that the specified residence may be provided by the Secretary of State. There is no requirement that it must be.

Section 17: TPIMs: travel measure

86. [Section 17](#) amends certain provisions in the TPIM Act relating to travel measures (*subsection (1)*). *Subsection (2)* amends section 2 of the TPIM Act to provide that the Secretary of State must publish factors that he or she considers are appropriate to take into account when deciding whether to impose travel restrictions under [paragraph 2](#) of Schedule 1 to the TPIM Act. Factors could include - this is indicative only - proximity to airports, prohibited associates and other TPIM subjects, variety/number of services within the restricted area.
87. *Subsections (3) and (4)* amend section 23 of the TPIM Act, which makes it an offence, without reasonable excuse, to contravene a measure. *Subsection (3)* provides that an individual subject to a travel measure under [paragraph 2](#) of Schedule 1 to the TPIM Act who leaves the United Kingdom or travels outside the United Kingdom will not be able to rely upon a defence of "reasonable excuse". *Subsection (4)* increases the custodial penalty on conviction on indictment of contravening the travel measure from a term not exceeding five years imprisonment to one not exceeding ten years imprisonment.
88. *Subsection (5)* amends [paragraph 2](#) of Schedule 1 to the TPIM Act. Under the TPIM Act prior to its amendment by this provision, the Secretary of State could, under the travel measure, impose a restriction on a person from leaving a specified area which could

be Great Britain, Northern Ireland or the United Kingdom. The amendment allows the Secretary of State to impose restrictions on an individual from leaving a specified area which may be either the United Kingdom or any area within the United Kingdom in which the individual's place of residence is located. Restrictions imposed may include a requirement not to leave the specified area without receiving permission from or, as the case may be, giving notice to the Secretary of State.

Section 18: TPIMs: weapons and explosives measure

89. **Section 18** allows the Secretary of State to impose on an individual subject to a TPIM notice a prohibition on making an application for a firearm certificate or shot gun certificate, a prohibition on possessing an imitation firearm and a prohibition on possessing offensive weapons or explosives.

Section 19: TPIMs: appointments measure

90. **Section 19** allows the Secretary of State to require an individual to attend meetings with such persons as the Secretary of State may specify, at such locations and at such times as the Secretary of State may by notice require. The specified person(s) may also choose the time and place of the meeting.

Section 20: TPIMs: miscellaneous amendments

91. **Subsection (1)** amends section 3(1) of the TPIM Act so that, before imposing a TPIM notice, the Secretary of State must be satisfied on the balance of probabilities (rather than that he or she must "reasonably believe", as before) that an individual is, or has been, involved in terrorism-related activity.
92. **Subsection (2)** amends section 4 of the TPIM Act so that for the purposes of that Act, involvement in terrorism-related activity does not include conduct which gives support or assistance to individuals who are known or believed by the individual concerned to be involved in conduct which facilitates or gives encouragement to the commission, preparation or instigation of acts of terrorism, or which is intended to do so.