



# Terrorism Prevention and Investigation Measures Act 2011

## 2011 CHAPTER 23

### *Other safeguards*

#### **19 Reports on exercise of powers under Act**

- (1) The Secretary of State must—
  - (a) prepare a report about the exercise of the powers mentioned in subsection (2) during each period of 3 months beginning with the month in which this Act is passed, and
  - (b) lay a copy of each such report before Parliament.
- (2) The powers referred to in subsection (1) are the powers of the Secretary of State under this Act—
  - (a) to impose measures on an individual by a TPIM notice under section 2;
  - (b) to extend a TPIM notice under section 5(2);
  - (c) to vary a TPIM notice under section 12;
  - (d) to revoke a TPIM notice under section 13(1);
  - (e) to revive a TPIM notice under section 13(6).
- (3) The duty under subsection (1) in relation to the preparation and laying of a report must be carried out as soon as reasonably practicable after the end of the 3 month period to which the report relates.
- (4) Subject to subsection (5), this section does not require a report to be made in relation to any time which falls after the Secretary of State's TPIM powers have expired or been repealed under section 21, except for the period of 28 days referred to in section 22(2).
- (5) If the Secretary of State's TPIM powers are revived under section 21—
  - (a) the reference in subsection (1)(a) above to the month in which this Act is passed is to be read as a reference to the month in which the revival takes effect; and
  - (b) this section applies accordingly.

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Other safeguards. (See end of Document for details)*

**20 Reviews of operation of Act**

(1) The Secretary of State must appoint a person to review the operation of this Act (“the independent reviewer”).

[<sup>F1</sup>(1A) The independent reviewer must carry out a review under this section in respect of each calendar year starting with 2022 and ending with 2026.

Each review must be completed as soon as reasonably practicable after the year to which it relates.]

[<sup>F2</sup>(2) In each calendar year [<sup>F3</sup>after 2026] the independent reviewer must, by 31 January, inform the Secretary of State what (if any) reviews under this section the reviewer intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.]

(4) The independent reviewer must send to the Secretary of State a report on the outcome of each review carried out under [<sup>F4</sup>this section] as soon as reasonably practicable after completion of the review.

(5) On receiving a report under subsection (4), the Secretary of State must lay a copy of it before Parliament.

(6) The Secretary of State may pay to the independent reviewer—  
(a) expenses incurred in carrying out the functions of the reviewer under this section, and  
(b) such allowances as the Secretary of State determines.

[<sup>F5</sup>(7) Subsection (1A) does not require a review to be carried out in respect of any calendar year during the whole of which the Secretary of State's TPIM powers (within the meaning given by section 21(8)) do not exist because of their expiry or repeal under section 21.]

<sup>F6</sup>(7) .....

<sup>F6</sup>(8) .....

<sup>F6</sup>(9) .....

**Textual Amendments**

- F1** S. 20(1A) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 41(1)(a), 50(2)(s)** (with s. 41(2))
- F2** S. 20(2) substituted for s. 20(2)(3) (12.4.2015) by Counter-Terrorism and Security Act 2015 (c. 6), **ss. 45(3)(a), 52(2)(b)** (with s. 49(4)(d))
- F3** Words in s. 20(2) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 41(1)(b), 50(2)(s)** (with s. 41(2))
- F4** Words in s. 20(4) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 41(1)(c), 50(2)(s)** (with s. 41(2))
- F5** S. 20(7) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 41(1)(d), 50(2)(s)** (with s. 41(2))
- F6** S. 20(7)-(9) omitted (12.4.2015) by virtue of Counter-Terrorism and Security Act 2015 (c. 6), **ss. 45(3)(b), 52(2)(b)**

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## 21 Expiry and repeal of TPIM powers

- (1) Except so far as otherwise provided under this section, the Secretary of State's TPIM powers expire at the end of 5 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may, by order made by statutory instrument—
  - (a) repeal the Secretary of State's TPIM powers;
  - (b) at any time revive the Secretary of State's TPIM powers for a period not exceeding 5 years;
  - (c) provide that the Secretary of State's TPIM powers—
    - (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 5 years.
- (3) Before making an order under this section the Secretary of State must consult—
  - (a) the independent reviewer appointed for the purposes of section 20;
  - (b) [F7the Investigatory Powers Commissioner] ; and
  - (c) the Director-General of the Security Service.
- (4) An order under this section may not be made 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 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.
- (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) In this section—

“40 days” means 40 days computed as provided for in section 7(1) of the Statutory Instruments Act 1946;

“Secretary of State's TPIM powers” means—

  - (a) the power to impose a TPIM notice under section 2;
  - (b) the power to extend a TPIM notice under section 5(2);
  - (c) the power to vary a TPIM notice under section 12(1)(c) [F8or (1A)]; and
  - (d) the power to revive a TPIM notice under section 13(6) to (9).

### Textual Amendments

- F7** Words in s. 21(3)(b) substituted (1.9.2017) by *Investigatory Powers Act 2016* (c. 25), s. 272(1), **Sch. 10 para. 95** (with *Sch. 9 paras. 7, 8, 10*); S.I. 2017/859, reg. 2(j)

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**F8** Words in s. 21(8) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), ss. [36\(4\)](#), [50\(2\)\(s\)](#)

**Modifications etc. (not altering text)**

- C1** TPIM powers do not expire and continue in force under s. 21(2)(c) until the end of 13.12.2021 (13.12.2016) by [The Terrorism Prevention and Investigation Measures Act 2011 \(Continuation\) Order 2016 \(S.I. 2016/1166\)](#), arts. 1, 2
- C2** TPIM powers do not expire and continue in force under s. 21(2)(c) until the end of 13.12.2026 (13.12.2021) by [The Terrorism Prevention and Investigation Measures Act 2011 \(Continuation\) Order 2021 \(S.I. 2021/1386\)](#), arts. 1(1), 2

## 22 Section 21: supplementary provision

- (1) This section applies if the Secretary of State's TPIM powers expire or are repealed under section 21.
- (2) A TPIM notice which is in force immediately before expiry or repeal is to—
  - (a) continue in force for the period of 28 days beginning with expiry or repeal; and
  - (b) be treated as if revoked by the Secretary of State at the end of that period.
- (3) Subsection (2)(a) is subject to—
  - (a) any variation under section 12(1)(a) or (b), and
  - (b) any revocation or quashing.
- (4) Except as provided for in subsection (5) or (6), TPIM proceedings may neither continue nor be begun after expiry or repeal.
- (5) TPIM proceedings of a kind set out in subsection (7) may continue, or be begun, after expiry or repeal, but only for the purpose of determining one or more of the following matters—
  - (a) whether a TPIM notice should be quashed;
  - (b) whether measures imposed by a TPIM notice should be quashed;
  - (c) whether to make a declaration under paragraph 4(4) of Schedule 2.
- (6) Proceedings for an award of damages or other relief arising out of any TPIM proceedings of a kind set out in subsection (7)(a) to (c) may continue, or be begun, after expiry or repeal.
- (7) The TPIM proceedings referred to in subsections (5) and (6) are—
  - (a) a reference made under paragraph 3 of Schedule 2 before expiry or repeal;
  - (b) a hearing in pursuance of directions under section 8(2) or (4);
  - (c) an appeal under section 16;
  - (d) an appeal, or further appeal, relating to a decision in any proceedings mentioned in any of paragraphs (a) to (c).
- (8) If, after expiry of the Secretary of State's TPIM powers, the powers are revived under section 21(2)(b)—
  - (a) all TPIM notices, including any which were in force before expiry, are to be taken into account in determining whether there is new terrorism-related activity for the purposes of section 3(6);
  - (b) the expiry of those powers does not prevent them from being exercised after revival in relation to any TPIM notice which—

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- (i) expired or was revoked before the expiry of the powers or during the relevant 28 day period, or
  - (ii) is, in accordance with subsection (2)(b) of this section, treated as if revoked at the end of the relevant 28 day period;
- and for this purpose “relevant 28 day period” means the period of 28 days beginning with the expiry of the powers that is mentioned in subsection (2)(b).

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Other safeguards.