



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Control orders

2 Making of non-derogating control orders

- (1) The Secretary of State may make a control order against an individual if he—
 - (a) has reasonable grounds for suspecting that the individual is or has been involved in terrorism-related activity; and
 - (b) considers that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, to make a control order imposing obligations on that individual.
- (2) The Secretary of State may make a control order against an individual who is for the time being bound by a control order made by the court only if he does so—
 - (a) after the court has determined that its order should be revoked; but
 - (b) while the effect of the revocation has been postponed 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.
- (3) A control order made by the Secretary of State is called a non-derogating control order.
- (4) A non-derogating control order—
 - (a) has effect for a period of 12 months beginning with the day on which it is made; but
 - (b) may be renewed on one or more occasions in accordance with this section.
- (5) A non-derogating control order must specify when the period for which it is to have effect will end.
- (6) The Secretary of State may renew a non-derogating control order (with or without modifications) for a period of 12 months if he—
 - (a) considers that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, for an order imposing obligations on the controlled person to continue in force; and

Status: This is the original version (as it was originally enacted).

- (b) considers that the obligations to be imposed by the renewed order are necessary for purposes connected with preventing or restricting involvement by that person in terrorism-related activity.
- (7) Where the Secretary of State renews a non-derogating control order, the 12 month period of the renewal begins to run from whichever is the earlier of—
 - (a) the time when the order would otherwise have ceased to have effect; or
 - (b) the beginning of the seventh day after the date of renewal.
- (8) The instrument renewing a non-derogating control order must specify when the period for which it is renewed will end.
- (9) It shall be immaterial, for the purposes of determining what obligations may be imposed by a control order made by the Secretary of State, whether the involvement in terrorism-related activity to be prevented or restricted by the obligations is connected with matters to which the Secretary of State's grounds for suspicion relate.