



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Control orders

8 Criminal investigations after making of control order

- (1) This section applies where it appears to the Secretary of State—
 - (a) that the involvement in terrorism-related activity of which an individual is suspected may have involved the commission of an offence relating to terrorism; and
 - (b) that the commission of that offence is being or would fall to be investigated by a police force.
- (2) Before making, or applying for the making of, a control order against the individual, the Secretary of State must consult the chief officer of the police force about whether there is evidence available that could realistically be used for the purposes of a prosecution of the individual for an offence relating to terrorism.
- (3) If a control order is made against the individual the Secretary of State must inform the chief officer of the police force that the control order has been made and that subsection (4) applies.
- (4) It shall then be the duty of the chief officer to secure that the investigation of the individual's conduct with a view to his prosecution for an offence relating to terrorism is kept under review throughout the period during which the control order has effect.
- (5) In carrying out his functions by virtue of this section the chief officer must consult the relevant prosecuting authority, but only, in the case of the performance of his duty under subsection (4), to the extent that he considers it appropriate to do so.
- (6) The requirements of subsection (5) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (7) In this section—

“chief officer”—

 - (a) in relation to a police force maintained for a police area in England and Wales, means the chief officer of police of that force;

Status: This is the original version (as it was originally enacted).

- (b) in relation to a police force maintained under the Police (Scotland) Act 1967 (c. 77), means the chief constable of that force;
 - (c) in relation to the Police Service of Northern Ireland, means the Chief Constable of that Service;
 - (d) in relation to the Serious Organised Crime Agency, means the Director General of that Agency; and
 - (e) in relation to the Scottish Drug Enforcement Agency, means the Director of that Agency;
- “police force” means—
- (a) a police force maintained for a police area in England and Wales;
 - (b) a police force maintained under the Police (Scotland) Act 1967;
 - (c) the Police Service of Northern Ireland;
 - (d) the Serious Organised Crime Agency; or
 - (e) the Scottish Drug Enforcement Agency;
- “relevant prosecuting authority”—
- (a) in relation to offences that would be likely to be prosecuted in England and Wales, means the Director of Public Prosecutions;
 - (b) in relation to offences that would be likely to be prosecuted in Scotland, means the appropriate procurator fiscal;
 - (c) in relation to offences that would be likely to be prosecuted in Northern Ireland, means the Director of Public Prosecutions for Northern Ireland.
- (8) In relation to times before the Serious Organised Crime Agency begins to carry out its functions, this section is to have effect as if—
- (a) the National Crime Squad were a police force; and
 - (b) references, in relation to that Squad, to its chief officer were references to its Director General.
- (9) In subsection (7)—
- “the Scottish Drug Enforcement Agency” means the organisation known by that name and established under section 36(1)(a)(ii) of the Police (Scotland) Act 1967; and
- “the Director” of that Agency means the person engaged on central service (as defined by section 38(5) of that Act) and for the time being appointed by the Scottish Ministers to exercise control in relation to the activities carried out in the exercise of the Agency’s functions.