



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 7

MISCELLANEOUS

Control orders

78 Control orders: powers of entry and search

(1) After section 7 of the Prevention of Terrorism Act 2005 (c. 2) insert—

“7A Powers of entry and search: absconding

- (1) If a constable reasonably suspects that the controlled person has absconded, the constable may enter (if necessary by force) and search premises to which this section applies—
 - (a) for the purpose of determining whether the person has absconded;
 - (b) if it appears that the person has absconded, for material that may assist in the pursuit and arrest of the controlled person.
- (2) The premises to which this section applies are—
 - (a) the controlled person’s place of residence;
 - (b) other premises to which the controlled person is required to grant access in accordance with an obligation imposed by or under the control order;
 - (c) any premises—
 - (i) to which the controlled person has previously been required to grant access in accordance with an obligation imposed by or under a control order, and
 - (ii) with which there is reason to believe that the controlled person is or was recently connected.

7B Powers of entry and search: failure to grant access to premises

- (1) This section applies where a constable reasonably suspects that the controlled person is not granting access to premises, as required by an obligation imposed by or under the control order, at a time when the controlled person is required, by an obligation so imposed, to be at those premises.
- (2) The constable may enter (if necessary by force) and search the premises—
 - (a) for the purpose of determining whether any of the obligations imposed by or under the control order have been contravened;
 - (b) if it appears that an obligation has been contravened, for material that may assist in the investigation of the contravention.

7C Powers of entry and search: monitoring compliance with order

- (1) A constable may apply for the issue of a warrant under this section for the purposes of determining whether the controlled person is complying with the obligations imposed by or under a control order.
 - (2) The application must be made—
 - (a) in England and Wales, to a justice of the peace;
 - (b) in Scotland, to the sheriff;
 - (c) in Northern Ireland, to a lay magistrate.
 - (3) A warrant under this section shall authorise any constable to enter (if necessary by force) and search premises to which this section applies that are specified in the warrant.
 - (4) The premises to which this section applies are—
 - (a) the controlled person's place of residence;
 - (b) other premises to which the controlled person is required to grant access in accordance with an obligation imposed by or under the control order;
 - (c) any premises—
 - (i) to which the controlled person has previously been required to grant access in accordance with an obligation imposed by or under a control order, and
 - (ii) with which there is reason to believe that the controlled person is or was recently connected.
 - (5) An application under this section may only be granted if the justice of the peace, the sheriff or the lay magistrate is satisfied that the issue of the warrant is necessary for the purposes of determining whether the controlled person is complying with the obligations imposed by or under the control order.”
- (2) In section 9 of that Act (offences)—
- (a) after subsection (3) insert—

“(3A) A person who intentionally obstructs the exercise by a constable of a power conferred by section 7A or 7B or by a warrant under section 7C commits an offence.”;
 - (b) in subsection (7) after “subsection (3)” insert “or (3A)”.

- (3) These amendments have effect as from the commencement of this section and apply regardless of when the control order was made.

79 Control orders: meaning of involvement in terrorism-related activity

- (1) In section 1(9) of the Prevention of Terrorism Act 2005 (c. 2) (meaning of involvement in terrorism-related activity), in paragraph (d), for “to be involved in terrorism-related activity” substitute “by the individual concerned to be involved in conduct falling within paragraphs (a) to (c)”.
- (2) This amendment shall be deemed always to have had effect.

80 Time allowed for representations by controlled person

- (1) Section 3 of the Prevention of Terrorism Act 2005 (supervision by court of making of non-derogating control orders) is amended as follows.
- (2) In subsection (7) (opportunity for individual to make representations about directions given by the court), omit “within 7 days of the court’s giving permission or (as the case may be) making its determination on the reference”.
- (3) After that subsection insert—
- “(7A) The individual must be given the opportunity to make those representations—
- (a) in the case of directions under subsection (2)(c), within 7 days of notice of the terms of the control order being delivered to the individual in accordance with section 7(8);
- (b) in the case of directions given under subsection (6)(b) or (c), within 7 days of the court making its determination on the reference.”.
- (4) These amendments apply in relation to control orders made after this section comes into force.

81 Application for anonymity for controlled person

- (1) In the Schedule to the Prevention of Terrorism Act 2005 (c. 2) (control order proceedings etc), paragraph 5 (application for anonymity for controlled person) is amended as follows.
- (2) In sub-paragraph (1)(a) omit “, at any time after a control order has been made,”.
- (3) After sub-paragraph (3) insert—
- “(4) In relation to a time before the control order has been made references in this paragraph to “the controlled person” shall be read as references to the person in respect of whom the Secretary of State has made an application to the court for (as the case may be)—
- (a) permission to make a non-derogating control order under section 3(1)(a), or
- (b) the making of a derogating control order under section 4(1).”.
- (4) These amendments shall be deemed always to have had effect.