

TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011

EXPLANATORY NOTES

BACKGROUND

Coalition Government's review of Counter-Terrorism and Security Powers

13. The Coalition's Programme for Government, launched by the Prime Minister and Deputy Prime Minister on 20 May 2010, stated that the Government would "urgently review control orders as part of a wider review of counter-terrorist legislation, measures and programmes". The Programme for Government can be found at:

<http://webarchive.nationalarchives.gov.uk/20100526084809/http://programmeforgovernment.hmg.gov.uk>

14. On 13 July 2010 the Home Secretary made a statement to the House of Commons confirming that such a review was underway. And on 26 January 2011 the Government published its *Review of Counter-Terrorism and Security Powers Review Findings and Recommendations (Cm 8004)*.

15. The review findings and recommendations included a commitment to repeal the 2005 Act and introduce a new system of terrorism prevention and investigation measures (TPIM). These would be a civil preventative measure intended to protect the public from the risk posed by persons believed to be involved in terrorism who can be neither prosecuted nor, in the case of foreign nationals, deported, by imposing restrictions intended to prevent or disrupt their engagement in terrorism-related activity. The regime would be capable of imposing less intrusive restrictions than those available under control orders, and there would be increased safeguards for the civil liberties of those subject to the measures. There would be no provision in the replacement system for derogation from the ECHR. The Act makes provision for these recommendations.

16. The review also concluded that, in the event of a very serious terrorist risk that cannot be managed by any other means, more stringent measures may be required to protect the public than those available under the Act. The Government therefore committed to preparing draft emergency legislation for introduction should such circumstances arise. The draft Enhanced Terrorism Prevention and Investigation Measures Bill ("ETPIM Bill") and accompanying Explanatory Notes have separately been published for pre-legislative scrutiny. They can be found at:

<http://www.homeoffice.gov.uk/publications/about-us/legislation/tpim-bill/>