

TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Directions hearing

76. *Subsections (1) and (2)* of this section provide that, on giving the Secretary of State permission to impose measures (or – in an urgent case – on confirming measures already imposed), the court must give directions for a directions hearing. Those directions must not be served on the individual in a case where permission has been granted (rather than the urgency procedure used) until the TPIM notice has been served (*subsection (3)*). This is because permission may be granted to the Secretary of State in the absence of the individual, so as not to alert that individual to the imminent imposition of measures on him or her, and the service of the directions should only follow the service of the notice (which may take place some time after permission is granted) for the same reason. At the directions hearing, directions must be given for a further hearing (a “review hearing”) to be held for the court to review the imposition of the measures as soon as practicable (*subsections (4) and (5)*). (Section 9 makes provision in relation to this review hearing.) *Subsections (2) and (6)* ensure that the individual has the opportunity to make representations at a directions hearing, which is to be held, unless the court directs otherwise, within seven days of the TPIM notice being served (or, in a case using the urgency procedure, within seven days of the court confirming the notice).