



Terrorism Prevention and Investigation Measures Act 2011

2011 CHAPTER 23

Consultation requirements

10 Criminal investigations into terrorism-related activity

- (1) The Secretary of State must consult the chief officer of the appropriate police force about the matter mentioned in subsection (2) before—
 - (a) making an application under section 6 for permission to impose measures on an individual, or
 - (b) imposing measures on an individual in a case to which section 3(5)(b) applies (urgency of the case requires measures to be imposed without obtaining the permission of the court).
- (2) The matter is whether there is evidence available that could realistically be used for the purposes of prosecuting the individual for an offence relating to terrorism.
- (3) The “appropriate police force” means the police force—
 - (a) that is investigating the commission of any such offence by the individual, or
 - (b) by which it appears to the Secretary of State that the commission of any such offence by the individual would fall to be investigated.
- (4) If the Secretary of State serves a TPIM notice on an individual, the Secretary of State must inform the chief officer of the appropriate police force—
 - (a) that the TPIM notice has been served, and
 - (b) that the chief officer must act in accordance with the duty under subsection (5).
- (5) After being informed of the matters mentioned in subsection (4), the chief officer must—
 - (a) secure that the investigation of the individual’s conduct, with a view to a prosecution of the individual for an offence relating to terrorism, is kept under review throughout the period the TPIM notice is in force, and
 - (b) report to the Secretary of State on the review carried out under paragraph (a).

- (6) The chief officer must consult the relevant prosecuting authority before responding to consultation under subsection (1).
- (7) The chief officer must also, to the extent that the chief officer considers it appropriate to do so, consult the relevant prosecuting authority in carrying out the duty under subsection (5)(a).
- (8) The “relevant prosecuting authority” is—
- (a) in the case of offences that would be likely to be prosecuted in England and Wales, the Director of Public Prosecutions;
 - (b) in the case of offences that would be likely to be prosecuted in Scotland, the appropriate procurator fiscal;
 - (c) in the case of offences that would be likely to be prosecuted in Northern Ireland, the Director of Public Prosecutions for Northern Ireland.
- (9) The duty to consult under subsection (1) or (6) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (10) 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;
 - (b) in relation to a police force maintained under the Police (Scotland) Act 1967, 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 Crime and Drug Enforcement Agency, means the Director General 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 Crime and Drug Enforcement Agency.