



Terrorism Prevention and Investigation Measures Act 2011

2011 CHAPTER 23

Changes concerning TPIM notices

12 Variation of measures

- (1) The Secretary of State may by notice (a “variation notice”) vary measures specified in a TPIM notice if—
- the variation consists of the relaxation or removal of measures;
 - the variation is made with the consent of the individual; or
 - the Secretary of State reasonably considers that the variation is necessary for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity.

[^{F1}(1A) The Secretary of State may by variation notice vary a relocation measure so as to substitute a different specified residence if the Secretary of State reasonably considers that—

- the variation is necessary for reasons connected with the efficient and effective use of resources in relation to the individual; and
- the relocation measure (as varied) remains necessary for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity.

(1B) A “relocation measure” is a measure under paragraph 1(2) of Schedule 1 which requires the individual to reside at a specified residence within paragraph 1(3)(b) of that Schedule (requirement to reside at premises specified by Secretary of State other than individual's own residence).]

- The individual to whom a TPIM notice relates may make an application to the Secretary of State for the variation of measures specified in the TPIM notice.
- The Secretary of State must consider an application made under subsection (2).
- An application under subsection (2) must be made in writing.

Changes to legislation: There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Section 12. (See end of Document for details)

- (5) The Secretary of State may by notice request the provision, within such period of time as the notice may specify, of further information from the individual in connection with an application under subsection (2).
- (6) The Secretary of State is not required to consider an application further unless any information requested under subsection (5) is provided in accordance with the notice mentioned in that subsection.
- (7) A variation under subsection (1) [^{F2}or (1A)] takes effect when the variation notice is served or, if later, at the time specified for this purpose in the variation notice.
- (8) The power under subsection (1) [^{F3}or (1A)] is exercisable whether or not an application has been made under subsection (2).
- (9) In a case where a TPIM notice—
- (a) has expired [^{F4}as mentioned in section 13(6)(a)], or
 - (b) has been revoked,
- the power under subsection (1) [^{F5}or (1A)] may (in particular) be exercised in relation to the TPIM notice before any revival of the TPIM notice under section 13(6) so as to take effect at the time that the TPIM notice comes back into force on its revival.
- (10) In such a case, the question of whether condition D is met is to be determined for the purposes of section 13(6) by reference to the measures specified in the TPIM notice as they would be after the exercise of the power under subsection (1) [^{F6}or (1A)].

[^{F7}(11) Subsection (1A) does not limit the power under subsection (1).]

Textual Amendments

- F1** S. 12(1A)(1B) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **36(2)(a)**, 50(2)(s)
- F2** Words in s. 12(7) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **36(2)(b)**, 50(2)(s)
- F3** Words in s. 12(8) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **36(2)(b)**, 50(2)(s)
- F4** Words in s. 12(9)(a) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **35(4)**, 50(2)(s) (with s. 35(7)(8))
- F5** Words in s. 12(9) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **36(2)(b)**, 50(2)(s)
- F6** Words in s. 12(10) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **36(2)(b)**, 50(2)(s)
- F7** S. 12(11) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. **36(2)(c)**, 50(2)(s)

Changes to legislation:

There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Section 12.