

1) Cost of control orders

Please note that all figures have been rounded to the nearest £100, and where they represent costs to the Home Office refer to the period from 2006-07 up to and including the financial year 2009-10. The Home Office holds some information on the cost of control orders to the Legal Services Commission and Her Majesty's Courts Service (relating to the 'judicial costs incurred securing and regulating control orders'). These other public authorities may hold additional relevant information.

	2006-07	2007-08	2008-09	2009-10	Total (2006-07 to 2009-10)
Total cost to the Home Office of control orders⁽¹⁾	1,940,300	4,615,600	2,707,600	3,195,400	12,458,900
Legal costs to the Home Office ⁽²⁾	1,530,900	3,766,200	1,837,300	2,254,400	9,388,900
Cost to the Home Office of accommodation, subsistence, council tax, telephone and utility bills for controlled persons	87,000	246,300	203,300	315,400	852,000
Staff and administrative costs to the Home Office	322,400	603,100	667,000	625,600	2,218,000
Cost of electronic monitoring of controlled persons to the Ministry of Justice ⁽³⁾	Not available	74,900	72,700	32,300 (to end August 2009)	179,900 (April 2007-August 2009)
Costs to Her Majesty's Courts Service April 2005 to March 2010 ⁽⁴⁾	540,000 (Administrative Court)				
	210,000 (Court of Appeal Civil Division)				
Costs to the Legal Services Commission April 2005 to December 2009 ⁽⁵⁾	1,965,400				

- (1) These figures refer to the financial years 2006-07 to 2009-10. They include: the cost of Home Office staff working on control orders; administrative costs relating to the management of control orders; legal advice and other legal costs; accommodation, subsistence, Council Tax and utility bills and telephone line rental/phone cards provided to controlled persons in the course of the administration of the control order; and the fees paid to Lord Carlile in his role as Independent Reviewer of the Prevention of Terrorism Act 2005. The costs for 2006-07 are based partly on estimates. These figures do not include the costs of asylum support provided to individuals subject to control orders, as these costs are not directly related to the administration of the control order and they would have been paid regardless of the control order.
- (2) These figures represent legal costs to the Home Office and do not include legal costs associated with control orders incurred by other public authorities – for example the costs of court and judicial time or costs to the Legal Services Commission.
- (3) The electronic monitoring of controlled individuals is delivered under a contract with the Ministry of Justice. The Home Office holds information on the cost of the electronic monitoring of controlled individuals to the Ministry of Justice from April 2007 to August 2009. Part of these figures (relating to 2007-08 and 2009-10) are based partly on estimates. Final figures for the financial year 2009-10 are not available. Additional information may be held by the Ministry of Justice.
- (4) These figures were supplied by Her Majesty's Courts Service (HMCS). They represent estimates based on high level assumptions and are intended to provide only an indicative figure. They were calculated by HMCS by estimating the Administrative Court and Court of Appeal Civil Division daily judicial costs and multiplying them by the estimated number of control order related sitting days. The judicial costs of control order related reading and judgment writing time in the Administrative Court have been estimated and aggregated with the estimated judicial court costs. It was not possible to estimate control order related reading and judgment writing time in the Court of Appeal Civil Division. The costs exclude any associated administrative or accommodation costs as these could not be quantified. HMCS may hold further information.
- (5) This figure was supplied by the Legal Services Commission (LSC) and represents the costs of controlled persons' open legal representation (the Home Office pays the cost of the Special Advocates who represent controlled persons in closed court proceedings). The total figure spent on legal representation on behalf of controlled persons in this period is likely to be higher. When solicitors apply for legal aid on behalf of their client they receive a certificate from the LSC stating that the LSC will pay their legal costs in that case. The solicitors will then incur expenditure but will not necessarily invoice the LSC until the case is closed. The great majority of certificates issued by the LSC in relation to control orders proceedings remained live at the time the figure was prepared, therefore the figure given does not reflect the full extent of the legal costs of controlled persons' open legal representation. Whilst the LSC could not provide an exact figure it is likely that a proportion of the LSC costs may also overlap with the costs to the Home Office of control order legal proceedings. This is because Home Office costs include the amount spent on paying the legal costs of the controlled persons where this had been ordered by the court. The LSC will only usually be made aware that the Home Office has been ordered to pay all or part of the costs in a case at the point that a case is closed. Therefore the LSC figure may include some costs already paid by the Home Office that are yet to be recouped. Additional information may be held by the LSC.

2) Number of control orders

Non-derogating control orders (control orders which do not impose obligations which are incompatible with the right to liberty under article 5 of the ECHR)¹ are made by the Home Secretary. Section 3(1) of the Prevention of Terrorism Act 2005 provides that (other than in cases of urgency) the Home Secretary must make an application to the High Court for permission to make the order, which the court may give “unless

¹ The Prevention of Terrorism Act 2005 also provides for derogating control orders – which do impose obligations which are or include obligations which are incompatible with article 5 of the ECHR. No such orders have been made.

it determines that the decision [of the Home Secretary that there are grounds to make that order] is obviously flawed”.

The total number of individuals who have ever been subject to a control order is 48. In each case, permission for making the order was granted by the High Court. In one case, where a new control order was made against a person who had previously been subject to a control order, permission was sought by the Home Secretary – and was granted by the High Court - retrospectively to making the order (under sections 3(1)(b) and 3(3)(a) of the Prevention of Terrorism Act 2005).