



Counter-Terrorism and Security Bill

Top Lines

- These amendments will enhance the Terrorism Prevention and Investigation Measures Act 2011 to take on board the recommendations of David Anderson QC, the Independent Reviewer of Terrorism Legislation, in his most recent report on TPIMs. This includes:
 - allowing the Secretary of State to require TPIM subjects to reside in a particular location up to 200 miles from their current locality;
 - providing for additional measures to restrict a subject's travel outside the area in which their residence is situated;
 - including a power to require a TPIM subject to meet with statutory bodies or other persons specified by the Secretary of State;
 - creating a new measure prohibiting TPIM subjects from acquiring/holding a firearms licence, offensive weapons or explosives;
 - increasing the sentence for breaching a TPIM travel measure from a maximum of five years to a maximum of ten years, where the person travels outside the area in which their residence is situated or where they leave the UK;
 - amending the definition of terrorism-related activity in the TPIMs Act to remove conduct which gives 'support or assistance' to individuals who are known or believed by the individuals concerned to be involved in the 'encouragement or facilitation of acts of terrorism'; and
 - raising the threshold for imposing a TPIM notice to 'balance of probabilities' that the individual has been engaged in terrorism-related activity.

Background

- A power to locate a TPIM subject away from their home address would be of real practical assistance to the police and MI5 in distancing subjects from their associates; and potentially increase the effectiveness of any stabilising factors in their lives.
- Limitations are to be placed on the use of the power, such as on the distance that a subject could be relocated (up to 200 miles) and the Secretary of State will publish the factors that she will take into account when determining the minimum size of the area in which unrestricted travel could be possible.
- The effect of amending the definition of terrorism-related activity in the TPIM Act would be to increase the threshold at which conduct is considered to be terrorism-related activity.
- We have also identified the need to enhance TPIMs by prohibiting subjects from acquiring/owning firearms, offensive weapons or explosives and creating a new power to require TPIM subjects to meet with statutory bodies specified by the Secretary of State. This could include probation, Prevent staff, JobCentrePlus staff, housing officers or others who are assessed to contribute to the management of the TPIM subject.
- We also intend to increase the sentence for absconding from a TPIM to a maximum of ten years.

Key facts

- As of 31 August 2014, one individual was subject to a TPIM notice.
- As of 31 August 2014, no TPIM notices in respect of British citizens were in force.
- Between 1 June 2014 and 31 August 2014, one TPIM notice had been revived, none had been revoked, and none had been extended.

Key quotes

"There is no need to put the clock back. The majority of the changes introduced by the TPIMs Act have civilised the control order system without making it less effective. The two-year limit is a reminder that executive constraints of this kind are no substitute for the criminal process, and no long-term solution."

David Anderson QC, TPIM Annual Report, March 2014

"I believe that the time has now come to revisit the issue of locational restraints... Locational restraints have the ability to reduce the abscond risk, to rebuild confidence in TPIMs, to disrupt terrorist networks and to reduce the surveillance budget. Relocation was repeatedly described by the courts as proportionate to the risk posed by TPIM subjects."

David Anderson QC, TPIM Annual Report, March 2014



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Why are these amendments needed?

- We must give ourselves all the legal powers we need to stop people travelling to fight in Syria and Iraq.
- These amendments would be a significant addition to the powers under the TPIM Act, and are proportionate to the real threat we face from terrorism.

Why are you raising the threshold at which a TPIM can be imposed?

- TPIMs provide some of the most restrictive measures available in the democratic world.
- It is right that the Government is satisfied that it is more probable than not that an individual has been engaged in terrorism-related activity before imposing a TPIM Notice.

Will you provide more funding for the police/security service?

- We will ensure that the police and Security Service have the resources they require to manage the terrorist threat.

What will the stronger location measures mean?

- The TPIM Act provides a powerful range of measures to manage the threat from terrorists who cannot be prosecuted or deported. This includes the ability to put locational restraints on individuals, such as excluding them from particular places, requiring them to live in specific places and measures to control compliance.
- The amended location measure will allow the Secretary of state to require a TPIM subject to reside in a particular location up to 200 miles from their current locality.
- This measure will be of real practical assistance to the police and MI5 in distancing subjects from their associates and reducing the risk of abscond.

Aren't you basically re-introducing control orders?

- As David Anderson has said, there is no need to turn the clock back. The Government keeps all counter-terrorism powers under continuous review to ensure that the most appropriate tools are available to the police and security service. This includes using the powers under the TPIM Act to the fullest extent possible, as well as ensuring that additional tools are available should the threat faced by the UK require this.
- The new power is limited so that the subject could be relocated only up to 200 miles from their current locality and on the minimum area in which unrestricted travel could be possible.
- There is also a significantly higher legal threshold for using this power – on 'the balance of probabilities', as opposed to a 'reasonable suspicion' test under Control Orders.

What sort of appointments will a TPIM subject be required to attend?

- Statutory bodies which TPIM subjects could be required to meet with include probation staff, JobCentrePlus staff, housing officers, Prevent officers or others who are assessed to contribute to the management of the TPIM subject.
- The intention of these appointments would be to increase the stabilising factors in TPIM subjects' lives and hopefully to reduce their propensity to engage in terrorism-related activity.

Is this legal?

- TPIM notices have been upheld by the courts and are supported by counter-terrorism reviewers, the police and the Security Service.
- We will continue to ensure that the powers available under the TPIM Act are applied in accordance with the law.

How will the measures be enforced?

- The TPIM Act 2011 includes a range of powers to monitor compliance with a TPIM notice.