

# **PREVENTION OF TERRORISM ACT 2005**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### ***Section 7: Modification, notification and proof of orders etc.***

##### **Subsection (1)**

55. Subsection (1) provides that a controlled person can apply to the Secretary of State for the revocation or modification of a non-derogating control order if there has been a change of circumstances affecting the order, and the Secretary of State shall have a duty to consider the application.

##### **Subsections (2) and (3)**

56. Subsection (2) allows the Secretary of State, at any time during the operation of a non-derogating control order, to revoke the order, or to relax or remove an obligation imposed by the order. The Secretary of State may make any modifications to the obligations imposed by the order that he considers necessary for purposes connected with preventing or restricting involvement by the controlled person in terrorism-related activity. Subsection (2) also allows for the modification of a non-derogating control order by mutual consent. Subsection (3) provides that the Secretary of State may not, however, make any modifications which turn a non-derogating control order into one which imposes a derogating obligation.

##### **Subsections (3) to (7)**

57. Subsection (4) allows the Secretary of State and the controlled person to apply to the court for the revocation or modification of a derogating control order. Subsection (5) states that the court can modify obligations imposed by the derogating control order if the effect of the modification is to remove or relax an obligation, the modification is by mutual consent or the court considers the modification to be necessary for purposes connected with preventing or restricting the controlled person's involvement in terrorism-related activity. Subsection (6) says that modification of a derogating control order cannot involve imposing derogating obligations unless the court considers the modification to be necessary for purposes connected with protecting members of the public from a risk of terrorism, and it appears to the court that the risk arises out of, or is associated with, the public emergency in respect of which there is a designated derogation.
58. Subsection (7) requires the court, if it considers that derogating obligations no longer need to be imposed as part of a derogating control order, to revoke the control order in its entirety.

##### **Subsections (8) to (11)**

59. Subsection (8) requires notice of the imposition, renewal or modification of a control order (other than a relaxation or modification with consent) to be given to the controlled person in person if the imposition, renewal or modification is to have effect. Subsection

*These notes refer to the Prevention of Terrorism Act 2005  
(c.2) which received Royal Assent on 11 March 2005*

(9) states that a constable or other person authorised by the Secretary of State may enter any premises where he has reasonable grounds to believe the subject of a control order to be, and to search those premises, in order to serve notice upon the individual. Subsection (10) requires the Secretary of State, if he revokes or modifies a control order under subsection (2)(b) or (c), to give notice to the controlled person of the revocation or modification and of the date from which the revocation or modification is effective. Subsection (11) explains how a control order, or the renewal, revocation or modification of an order, may be proved.