



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Control orders

6 Duration of derogating control orders

- (1) A derogating control order has effect at a time only if—
 - (a) the relevant derogation remains in force at that time; and
 - (b) that time is not more than 12 months after—
 - (i) the making of the order under section 14(1) of the Human Rights Act 1998 (c. 42) designating that derogation; or
 - (ii) the making by the Secretary of State of an order declaring that it continues to be necessary for him to have power to impose derogating obligations by reference to that derogation.
- (2) The power of the Secretary of State to make an order containing a declaration for the purposes of subsection (1)(b)(ii) is exercisable by statutory instrument.
- (3) No order may be made by the Secretary of State containing such a declaration unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (4) Subsection (3) does not apply to an order that contains a statement by the Secretary of State that the order needs, by reason of urgency, to be made without the approval required by that subsection.
- (5) An order under this section that contains such a statement—
 - (a) must be laid before Parliament after being made; and
 - (b) if not approved by a resolution of each House before the end of 40 days beginning with the day on which the order was made, ceases to have effect at the end of that period.
- (6) Where an order ceases to have effect in accordance with subsection (5), that does not—
 - (a) affect anything previously done in reliance on the order; or
 - (b) prevent the Secretary of State from exercising any power of his to make a new order for the purposes of subsection (1)(b)(ii) to the same or similar effect.

(7) In this section—

“40 days” means 40 days computed as provided for in section 7(1) of the Statutory Instruments Act 1946 (c. 36);

“the relevant derogation”, in relation to a derogating control order, means the designated derogation by reference to which the derogating obligations imposed by that order were imposed.