



# Terrorism Prevention and Investigation Measures Act 2011

## 2011 CHAPTER 23

### *Appeals and court proceedings*

#### 16 Appeals **U.K.**

- (1) If the Secretary of State extends or revives a TPIM notice (see section 5(2) or 13(6))—
  - (a) the individual to whom the TPIM notice relates may appeal to the court against the extension or revival; and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that conditions A, C and D were met and continue to be met.
- (2) If the Secretary of State varies [<sup>F1</sup>under section 12(1)(c)] measures specified in a TPIM notice (and the variation does not consist of the relaxation or removal of measures) without the consent of the individual to whom the TPIM notice relates <sup>F2</sup>...—
  - (a) the individual may appeal to the court against the variation; and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that the variation was necessary, and continues to be necessary, for purposes connected with preventing or restricting involvement by the individual in terrorism-related activity.

[<sup>F3</sup>(2A) If the Secretary of State varies a relocation measure specified in a TPIM notice under section 12(1A)—

- (a) the individual may appeal to the court against the variation; and
- (b) the function of the court on such an appeal is to review the Secretary of State's decisions that—
  - (i) the variation was necessary for reasons connected with the efficient and effective use of resources in relation to the individual, and
  - (ii) the relocation measure (as varied) remained, and continues to be, necessary for purposes connected with preventing or restricting involvement by the individual in terrorism-related activity.

(2B) In subsection (2A) “relocation measure” has the meaning given by section 12(1B).]

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*Changes to legislation: There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Appeals and court proceedings. (See end of Document for details)*

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- (3) If the individual to whom a TPIM notice relates makes an application to the Secretary of State for the variation of measures specified in the TPIM notice (see section 12(2))—
- (a) the individual may appeal to the court against any decision by the Secretary of State on the application; and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that the measures to which the application relates were necessary, and continue to be necessary, for purposes connected with preventing or restricting involvement by the individual in terrorism-related activity.
- (4) If the individual to whom a TPIM notice relates makes an application to the Secretary of State for the revocation of the TPIM notice (see section 13(3))—
- (a) the individual may appeal to the court against any decision by the Secretary of State on the application; and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that conditions A, C and D were met and continue to be met.
- (5) If the individual to whom a TPIM notice relates makes an application to the Secretary of State for permission—
- (a) the individual may appeal to the court against any decision by the Secretary of State on the application (including any decision about conditions to which permission is subject); and
  - (b) the function of the court on such an appeal is to review the decision.
- (6) In determining the matters mentioned in subsections (1) to (5) the court must apply the principles applicable on an application for judicial review.
- (7) The only powers of the court on an appeal under this section are—
- (a) power to quash the extension or revival of the TPIM notice;
  - (b) power to quash measures specified in the TPIM notice;
  - (c) power to give directions to the Secretary of State for, or in relation to,—
    - (i) the revocation of the TPIM notice, or
    - (ii) the variation of measures the TPIM notice specifies;
  - (d) power to give directions to the Secretary of State in relation to permission or conditions to which permission is subject.
- (8) If the court does not exercise any of its powers under subsection (7), it must dismiss the appeal.
- (9) In this section “permission” means permission for the purposes of measures specified in a TPIM notice (see, in particular, paragraph 13 of Schedule 1).

#### Textual Amendments

- F1** Words in s. 16(2) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 36(3)(a)(i)**, 50(2)(s)
- F2** Words in s. 16(2) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 36(3)(a)(ii)**, 50(2)(s)
- F3** [S. 16\(2A\)\(2B\)](#) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 36(3)(b)**, 50(2)(s)

*Changes to legislation:* There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Appeals and court proceedings. (See end of Document for details)

## 17 Jurisdiction in relation to decisions under this Act **U.K.**

- (1) TPIM decisions are not to be questioned in any legal proceedings other than—
  - (a) proceedings in the court; or
  - (b) proceedings on appeal from such proceedings.
- (2) The court is the appropriate tribunal for the purposes of section 7 of the Human Rights Act 1998 in relation to proceedings all or any part of which call a TPIM decision into question.
- (3) In this Act “TPIM decision” means—
  - (a) a decision made by the Secretary of State in exercise or performance of any power or duty under any of sections 2 to 15 or under Schedule 1 or 2;
  - (b) a decision made by the Secretary of State for the purposes of, or in connection with, the exercise or performance of any such power or duty;
  - (c) a decision by a constable to give a direction by virtue of paragraph 4 of Schedule 1 (movement directions measure) or paragraph 10(1)(b) of that Schedule (reporting measure);
  - [<sup>F4</sup>(ca) a decision by a polygraph operator to give an instruction by virtue of paragraph 10ZA(1)(c) of Schedule 1 (polygraph measure);]
  - [<sup>F5</sup>(cb) a decision by an authorised person to give a direction by virtue of paragraph 10ZB(1)(b) of Schedule 1 (drug testing measure);]
  - (d) a decision by a person to give a direction by virtue of paragraph 12(2)(d) of Schedule 1 (monitoring measure).

### Textual Amendments

- F4** S. 17(3)(ca) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. 38(2), 50(2)(s)
- F5** S. 17(3)(cb) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. 39(2), 50(2)(s)

## 18 Proceedings relating to measures **U.K.**

- (1) No appeal shall lie from any determination of the court in TPIM proceedings, except on a question of law.
- (2) No appeal by any person other than the Secretary of State shall lie from any determination—
  - (a) on an application for permission under section 6; or
  - (b) on a reference under Schedule 2.
- (3) Schedule 4 (proceedings relating to measures) has effect.

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Appeals and court proceedings.