

# **TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 12: Variation of measures***

87. This section makes provision for the measures imposed under a TPIM notice to be varied in a number of different circumstances. *Subsection (2)* provides that the individual subject to the TPIM notice may apply – in writing (*subsection (4)*) – to the Secretary of State for any measure imposed under his or her TPIM notice to be varied. The Secretary of State is under a duty to consider any such application (*subsection (3)*). But *subsections (5) and (6)* provide that the Secretary of State may request further information in connection with the application, which must be provided within a specified period of time. The Secretary of State will not be required to consider the application further unless and until that information is received.
88. There is also power under *subsection (1)* for the Secretary of State to vary the measures imposed at any time and whether or not the individual has made an application for a variation under *subsection (2)*. This includes the power to vary the measures without the consent of the individual if the Secretary of State reasonably considers that variation to be necessary for the purposes of preventing or restricting the individual’s involvement in terrorism-related activity.
89. *Subsections (9) and (10)* provide that the Secretary of State may exercise these powers to vary measures in relation to a TPIM notice that has expired without being renewed, or that has been revoked, before that notice is revived under section 13. These subsections also provide that in such circumstances the consideration of the necessity of the measures (by both the Secretary of State and the court) relates to the revived notice as varied. In short, these provisions allow the Secretary of State, when reviving a TPIM notice under section 13, to vary the measures specified in that notice from those that were contained in it prior to its expiry or revocation.