



# Terrorism Prevention and Investigation Measures Act 2011

## 2011 CHAPTER 23

### *Court scrutiny of imposition of measures*

#### **6 Prior permission of the court**

- (1) This section applies if the Secretary of State—
  - (a) makes the relevant decisions in relation to an individual, and
  - (b) makes an application to the court for permission to impose measures on the individual.
- (2) The application must set out a draft of the proposed TPIM notice.
- (3) The function of the court on the application is—
  - (a) to determine whether the relevant decisions of the Secretary of State are obviously flawed, and
  - (b) to determine whether to give permission to impose measures on the individual and (where applicable) whether to exercise the power of direction under subsection (9).
- (4) The court may consider the application—
  - (a) in the absence of the individual;
  - (b) without the individual having been notified of the application; and
  - (c) without the individual having been given an opportunity (if the individual was aware of the application) of making any representations to the court.
- (5) But that does not limit the matters about which rules of court may be made.
- (6) In determining the application, the court must apply the principles applicable on an application for judicial review.
- (7) In a case where the court determines that a decision of the Secretary of State that condition A, condition B, or condition C is met is obviously flawed, the court may not give permission under this section.

- (8) In any other case, the court may give permission under this section.
- (9) If the court determines that the Secretary of State's decision that condition D is met is obviously flawed, the court may (in addition to giving permission under subsection (8)) give directions to the Secretary of State in relation to the measures to be imposed on the individual.
- (10) In this section "relevant decisions" means the decisions that the following conditions are met—
- (a) condition A;
  - (b) condition B;
  - (c) condition C; and
  - (d) condition D.