

**FOURTH REPORT OF THE  
INDEPENDENT REVIEWER  
PURSUANT TO SECTION 14(3)  
OF THE PREVENTION OF  
TERRORISM ACT 2005**

**LORD CARLILE OF BERRIEW Q.C.**

**3 FEBRUARY 2009**

**FOURTH REPORT OF THE  
INDEPENDENT REVIEWER  
PURSUANT TO SECTION 14(3)  
OF THE PREVENTION OF  
TERRORISM ACT 2005**

**LORD CARLILE OF BERRIEW Q.C.**

**3 FEBRUARY 2009**

**Presented to Parliament pursuant to section 14(6)  
of the Prevention of Terrorism Act 2005**



# FOURTH REPORT OF THE INDEPENDENT REVIEWER PURSUANT TO SECTION 14(3) OF THE PREVENTION OF TERRORISM ACT 2005

## BACKGROUND

1. This report reviews the operation in 2008 of the control orders system. For ease of reference this report will follow the broad format of my first three reports on this subject, published in February 2006, 2007 and 2008 respectively<sup>1</sup>. During 2008 the Courts have been even more active than before in their scrutiny of the powers in question. Paragraph 52 below contains a short digest of the principal judicial decisions and their implications.
2. Parliament repealed the powers of prison detention of terrorism suspects without charge, provided by the *Anti-Terrorism, Crime and Security Act 2001, Part 4*. The repeal followed the decision of the House of Lords in *A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department (Respondent)*<sup>2</sup>. The 2001 Act powers permitted the detention, subject to ensuing review and appeal, of foreign nationals who were suspected of being international terrorists. Those provisions were introduced immediately following the aircraft bombing of the World Trade Center in New York on the 11th September 2001.
3. The *Prevention of Terrorism Act 2005 [PTA2005]* replaced the 2001 Act detention powers with a system of control orders. *PTA2005* came into force on Royal Assent, on the 11th March 2005. The Act remains in force having last been renewed in March 2008<sup>3</sup>.

---

<sup>1</sup> For all my reports see [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) and follow the 'security' links

<sup>2</sup> [2004] UKHL 56

<sup>3</sup> The Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9) Order 2008: SI 2008 no559

4. The enactment of *PTA2005* occurred before the London suicide bombings of the 7th July 2005 and the events of the 21st July 2005. Since those events the *Terrorism Act 2006* has been passed<sup>4</sup>, and the *Counter-Terrorism Act 2008*. Both introduced some new terrorism-related offences and significant changes to other material provisions. Of particular note in the 2006 Act were *section 1* (encouragement of terrorism), *section 2* (dissemination of terrorist publications), *section 5* (preparation of terrorist acts), and *section 6* (training for terrorism). Those provisions have contributed to the charging of more individuals with terrorism-related criminal conduct. This trend is welcome – it is in the public interest for the conventional charge and trial process to be used whenever possible, rather than control orders.
  
5. The *Counter-Terrorism Act 2008* has introduced changes that could increase the potential for the normal criminal process to be used against terrorism suspects. *Section 28* improves jurisdictional law, by permitting proceedings in any part of the United Kingdom for terrorism offences committed in any other part of the UK. Sections 30-33 require the courts to treat a terrorism connection as an aggravating factor in the sentencing of persons convicted of a range of serious offences set out in *Schedule 2*, or of “*any ancillary offence in relation to an offence specified in [the] Schedule*”.
  
6. Other changes to *PTA2005* introduced by the 2008 Act include *section 78*, which introduces into *PTA2005* new *sections 7A, 7B* and *7C*: these facilitate the searching of controlees and their premises with a view to securing compliance with control orders, and are described in paragraphs 67-70 below. *Sections 79-81* make procedural changes primarily resulting from experience of the 2005 Act before the Courts.

---

<sup>4</sup> The current version of all statutes is now available via [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk)

7. A control order may be made against a person reasonably suspected of involvement in terrorism-related activity, whether a UK national or not, and whether the terrorist activity is domestic or international. The control order must also be considered necessary for purposes connected with protecting the public from a risk of terrorism. For brevity, such a person is described throughout this report as a controlee.
8. Pursuant to *section 14(3), (4) and (5) of the PTA2005* I have the duty of reviewing the operation of the Act, and certain other reviewing responsibilities.
9. As with all my reports as independent reviewer of terrorism legislation, I hope that this one is comprehensible to the general reader as well as to those with a special interest. I welcome representations and comments: contact details are provided in paragraph 93 below.
10. I have received many general representations about control orders during the year – though, as before, I have received far more correspondence concerning stop and search under counter-terrorism powers, detention periods before charge, and activity at ports of entry.

## SUMMARY AND USE OF THE POWERS

11. A good summary of the powers can be found on the Home Office website<sup>5</sup>. The remainder of this section reflects the information summarised there or discoverable from there.
  
12. There are 2 distinct species of control order – *derogating* and *non-derogating*. A derogating order is one containing obligations incompatible with the right to liberty under *Article 5* of the *European Convention on Human Rights*. Non-derogating control orders can impose conditions short of a deprivation of liberty under Article 5 of the ECHR. No derogation from Article 5 of the ECHR has been made to date in relation to control orders. Only non-derogating control orders have therefore been made.
  
13. Control orders are intended to provide a combination of potential control measures. These should be matched to the circumstances of the particular case.
  
14. Some key statistics covering March 2005 to 10<sup>th</sup> December 2008 relating to non-derogating control orders will be of interest –
  - In total, there have been 38 individuals ever subject to a control order. (The total number of control orders made is higher as some individuals have had more than one order made against them.)
  
  - As of 10 December 2008, there were 15 control orders in force.

---

<sup>5</sup> E.g. see <http://security.homeoffice.gov.uk/legislation/current-legislation/prevention-terrorism-act-2005/?version=4>

- Of the 23 other individuals who have been at some point – but are no longer – subject to a control order,
  - 9 were served with notices of intention to deport and either held in custody or granted bail. 6 of these persons have now been deported.
  - 4 individuals have had their control orders revoked (the assessment of the necessity of the control order changed).
  - 2 individuals have not had their orders renewed as the assessment of the necessity of the control orders changed.
  - 1 individual absconded (in August 2006) after the Court of Appeal confirmed the quashing of his order – a new order had been made to serve on the individual but he absconded before it could be served. The new order was therefore never in operation.
  - 2 individuals had their control orders quashed by the High Court. One of these had absconded, but subsequently handed himself in to the police.
  - 5 individuals' control orders expired, following their absconding from their control orders. These 5 individuals had absconded in, respectively, September 2006, January 2007, May 2007, May 2007 and June 2007. Control orders last for 12 months. These control orders expired in, respectively, April 2007, December 2007, February 2008, February 2008 and August 2007.
- There have been 7 control order absconds in total.



15. Annex 1 to this review summarises the cases (anonymised) and obligations as of 10 December 2008. There were up to 22 measures used during the year. The longest curfew is 16 hours, and the average curfew slightly over 13 hours (up from 10 hours last year).
16. Page 3 of Annex 1 sets out in graphical form the number of control orders since their introduction.
17. I emphasised in my previous reports that the intention is that conditions imposed under a control order should be specific and tailored to the individual. The aim is to secure the safety of the State by the minimum measures needed to ensure effective disruption and prevention of terrorist activity. I have discussed this with officials on several occasions during the year, and have attended a number of meetings of the Control Orders Review Group (CORG). CORG is a multi-disciplinary group in which every control order is discussed in detail.
18. Each control order is intended to provide what are perceived to be the controls needed to protect national security, having regard to what is known about the individual and his/her connections, and the risks he is thought to present.
19. The Home Secretary must normally apply to the courts to impose a control order based on an assessment of the available intelligence information. If the court allows the order to be made, the case is automatically referred to the court for a judicial review of the Home Secretary's decision.
20. In emergency cases the Home Secretary may impose an urgent order, which must then be reviewed by the court within 7 days in the same way that the court would

review a non-urgent control order before it is made. At this initial review the court decides whether the decision of the Home Secretary was obviously flawed.

21. At the full judicial review the court decides whether the person involved poses a threat to the safety and security of the general public and may consider the case in open and/or closed session. Where national security requires a closed session in the absence of the controlee and his chosen legal advisers, a trained and security-cleared independent lawyer described as a Special Advocate represents the interests of the controlee in the closed sessions.
22. Non-derogating control orders are limited to 12 months' duration. If the Home Secretary wishes to renew a control order there is no automatic referral to a full judicial review, but the individual can apply to the court for a further judicial review if he wishes.
23. An individual control order and its obligations can be challenged, but the system as a whole has been held to be lawful. There was in 2006 a fundamental but unsuccessful challenge to the compatibility of the legislation with the *European Convention on Human Rights*<sup>6</sup>.
24. Controlees have the option of anonymity. Anonymity is probably of advantage both to the controlee and to the government. In particular, for the controlee it avoids publicity that might lead to harassment of his family and himself in the community where he lives, or that might prejudice a fair trial if criminal charges are brought later.

---

<sup>6</sup> See the judgment of the Court of Appeal, consisting of the Lord Chief Justice, the Master of the Rolls and the President of the Queen's Bench Division in *Secretary of State for the Home Department v MB* [2006] EWCA Civ 1140; on appeal from Sullivan J at [2006] EWHC 1000 (Admin); upheld on this point by the House of Lords [2007] UKHL 46.

## CONTROL ORDERS TO DATE

25. The current and historical position is summarised in the key statistics given in paragraph 14 above. The matrix of obligations is in Annex 1 to this report.
26. Annex 2 describes charges for breaches of control orders during 2008. There have been numerous breaches of control orders that have not been made the subject of criminal charges. Most of these are of themselves of minor significance, e.g. a few minutes' unpunctuality in reporting; although the cumulative effect of such breaches may be regarded as serious. Some have been passed over because of family exigencies or emergencies giving rise to the breach.
27. Some apparent breaches occur because the tagging and contact equipment and service fail. For the most part, these are reliable. However, there remains room for technical improvement and increased reliability. Prosecutions are not pursued where apparent breaches are due to technical problems with the equipment.
28. Breach proceedings are subject to the usual prosecution procedures and standards involving the Crown Prosecution Service.
29. Annexes 3-6 contain anonymised examples of existing control orders.
30. Absconding by persons who are or predictably are about to be controlees is an embarrassment to the system. The viability of enforcement must always be considered when a control order is under consideration. Enforcement of control orders is resource-intensive for the police, and affects the several police forces with

controlees resident in their areas. Far from all are in the Metropolitan Police territory. In some cases the requirements of the control order may require the controlee to change his address, including the city or town where he lives. A decision to this end may be founded on intelligence and informed by the individual's personal circumstances.

31. It is worth repeating that in my view it is said all too easily that the authorities have a panoply of effective means of enforcement of control orders, including electronic and physical surveillance.
32. All forms of surveillance involve considerable human resources. This is especially so of watching and following. A complete package of measures requires a secure place of observation. Observation of individuals generally requires several officers, observing, logging and recording images.
33. The importance of ensuring that control orders are enforced means that so-called 'light touch' control orders are not a realistic proposition save in exceptional cases. My discussions with Ministers and officials leave me with the conclusion that the limitations of so-called 'light touch' control orders are well understood.
34. The continuing relatively low number of control orders, set alongside the vastly greater number of known terrorism suspects, confirms that the Home Secretary remains rightly reluctant to expand their use.
35. It has been suggested in some quarters of the media that control orders would have to be made against any former Guantanamo Bay detainees returned to or accepted

into the UK. In this context it should be said that control orders are not a routine form of control of people who are perceived to be potentially troublesome, and it is over-simplistic to assume that they would be appropriate, acceptable, practicable or even lawful against a group of people simply because they had been detained elsewhere, under a foreign (and unusual) jurisdiction.

36. It should be emphasised that nobody, least of all those who have to administer and enforce them, likes control orders. In every case alternatives are sought if available.
37. I remain of the view that control orders remain a largely effective necessity for a small number of cases, in the absence of a viable alternative for those few instances.
38. The government is devoting significant and increasing resources to building community awareness, and to preventing violent extremism. These are correct and important aspirations, though their effective delivery continues to present a challenge. I am aware of a great deal of work being done to promote amongst Muslim communities a wider knowledge of the reasons for counter-terrorism laws and the way they operate. There is ample evidence of co-operation between the authorities and those communities, whose compliance with the law is often an example to others.
39. Whenever controlees are willing to discuss their own position and concerns, appropriately knowledgeable and qualified persons should be made available to them. Wherever possible, credit should be given for co-operation.

## CONTROL ORDER POWERS AND OBLIGATIONS

40. By *PTA2005 Section 1* the power to make a non-derogating control order is vested in the Secretary of State; and to make a derogating order in the court on the application of the Secretary of State. The obligations placed on the controlee are those *“... necessary for purposes connected with preventing or restricting involvement by that individual in terrorism-related activity.”*
41. *Section 1(4)* contains a non-exhaustive menu of potential obligations up to and including full-time house arrest. Such 24/7 house arrest would involve derogation. The subsection includes a prohibition on the possession of specified articles, and on the use of specified services and facilities: these provisions are used in many cases to prohibit the use of the internet and of mobile telephones.
42. Following a clarificatory amendment inserted by the 2008 Act, *“involvement in terrorism-related activity”* is defined by *section 1(9)* as:  
*“any one or more of the following*  
*(a) the commission, preparation or instigation of acts of terrorism;*  
*(b) conduct which facilitates the commission, preparation or instigation of such acts, or which is intended to do so;*  
*(c) conduct which gives encouragement to the commission, preparation or instigation of such acts, or which is intended to do so;*  
*(d) conduct which gives support or assistance to individuals who are known or believed by the individual concerned to be involved in conduct falling within paragraphs (a) to (c);*  
*and for the purposes of this subsection it is immaterial whether the acts of terrorism in question are specific acts of terrorism or acts of terrorism generally.”*

43. *Section 2* sets out the basis upon which the Secretary of State may make a non-derogating control order. *Section 2(1)* requires that she:

*“(a) has reasonable grounds for suspecting that the individual is or has been involved in terrorism-related activity; and*

*(b) considers that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, to make a control order imposing obligations on that individual.”*

44. Non-derogating orders are made for 12 months, and are renewable pursuant to *section 2(6)* if “*necessary for purposes connected with protecting members of the public from a risk of terrorism*” and “*preventing or restricting involvement by that person in terrorism-related activity*”.

45. As part of my function as independent reviewer, my task is to replicate exactly the position of the Home Secretary at the initiation of a control order. I call for and am given access to the same files as were placed before the Secretary of State when she was asked to determine whether a control order should be made. These files include detailed summaries of evidence and intelligence material, as well as the draft Order and obligations. The summaries describe not only the activities alleged against the individual and the sources of information, but also the context of those activities in a wider and very complex terrorism picture. I review every case in this way. Of course, this is not the procedure followed in the courtroom, where evidence is examined and cross-examined to.

46. A great deal of the information is derived from intelligence. The quantity of intelligence material available has increased as the police and the security services have developed their capacity to investigate and deal with terrorism. In an interview

given to the media on the 6<sup>th</sup> January 2009, the Director General of the Security Service MI5 described the growing effectiveness and capacity of his service against terrorism, and the enhanced level of convictions of terrorists and disruption of their activities. The sources and content of intelligence in most instances demand careful protection in the public interest. The techniques of gathering intelligence, and the range of opportunities available, are wide and certainly in need of secrecy. Human resources place themselves at risk – not least, the significant number of persons who offer unsolicited information out of disapproval of conduct and events at which they may have been and might continue to be present.

47. I remain of the view that there are cases in which it would be appropriate and useful to deploy in a criminal prosecution material derived from public system telephone interceptions and converted into criminal evidence. The Committee of Privy Councillors chaired by Sir John Chilcot in their report published on the 6<sup>th</sup> February 2008<sup>7</sup> set out 9 tests to be passed before any such evidence will be admitted in a court. Debate about this issue has not lost momentum. The use of intercept evidence in a criminal court possibly has the potential for reducing the number of control orders, though this is far from certain.

48. I would have reached the same decision as the Secretary of State in each case in which a control order has been made during 2008, so far as the actual making of the order is concerned. Measuring the proportionality of the obligations is a difficult task, and inevitably the Courts will sometimes have to resolve conflict between a naturally cautious security establishment and the public policy imperative of as little State control as possible of unconvicted persons. I can confirm that the CORG

---

<sup>7</sup> *Privy Council Review of Intercept as Evidence* TSO Cm 7324 of 2008



discusses the extent of obligations in every case, and that changes have been made to meet circumstances including the personal and family situation of the controlee and family members.

49. Like her predecessor, the present Home Secretary and her Ministers ask questions. They do not act as a mere cipher when the papers are placed before them. The process is rigorous and structured in an appropriate way, so that the decisions are definitely those of the Home Secretary herself, not her officials.
50. The input of officials is considerable, and at a senior level appropriate to the responsibility. A permanent team dedicates its whole time to control orders. The complexity of administering some is formidable, not least because of the need to meet reasonable housing requirements.
51. The quality of preparation of cases for the Secretary of State by officials and the control authorities concerned has remained extremely high, as one is entitled to expect when a Secretary of State has to make a decision diminishing the normal rights and expectations of the individual.
52. My conclusion in paragraph 48 above does not mean that the Secretary of State is correct in every case. The Court procedure for the review of the decisions made by the Minister has been effective. In some review hearings evidence can emerge that was not known to the authorities and therefore the Minister, or in an entirely different light. Significant court decisions during 2008 are set out in the table below, with very brief comments focused on the key rationales of each decision. Some are subject to ongoing appeal.

## TABLE OF COURT DECISIONS IN 2008

Name of applicant, date and reference	Court and nature of appeal	Decision SSHD=Secretary of State for the Home Department CO= control order
Bullivant 22.02.2008 [2008] EWHC 337 (Admin)	Administrative Court - Substantive review	Second control order quashed, no judgment given on first control order. Considerable deference to be given to views of SSHD. CO based on intention to travel to join insurgency no longer justified. Evidence of sympathy with insurgents insufficient on its own.
AE 1.02.2008 [2008] EWHC 132 (Admin)	Administrative Court - Substantive review (1 <sup>st</sup> of 2 judgments in same proceedings)	Procedures on CO proceedings complied with <i>ECHR Art 6</i> , subject to effectiveness of the special advocate procedure. SSHD must disclose enough to enable controlee to deal with serious allegations relied upon, taking into account role of special advocate.
AF 22.02.2008 [2008] EWCA Civ 117	Court of Appeal	Findings in an earlier CO hearing to be taken into account but not binding in subsequent hearings on the same or a new CO. Each judge must decide what weight it is appropriate to give to earlier decisions and findings.
AN 29.02.2008 [2008] EWHC 372 (Admin)	Administrative Court - Substantive review	SSHD cannot rely on material not disclosed to controlee if reliance without disclosure would affect right to a fair hearing. Special advocates must be able to challenge the SSHD's grounds for suspicion on the basis of instructions from the controlee addressing the essential features. Controlee must at least be told the 'gist' of the allegations. SSHD granted permission to appeal.
AF 10.03.2008 [2008] EWHC 453 (Admin)	Administrative Court - Substantive review (1 <sup>st</sup> of 2 judgments in same proceedings)	CO hearings are civil proceedings. Position of special advocate crucial. Proceedings not <i>ECHR Art 6</i> compliant if, as here, special advocate could not challenge closed SSHD evidence effectively. If the Court felt sure that in any event no possible challenge could have succeeded, proceedings might be <i>Art 6</i> compliant despite lack of meaningful disclosure.
AE 20.03.2008 [2008] EWHC 585 (Admin)	Administrative Court - Substantive review (2 <sup>nd</sup> of 2 judgments in same proceedings)	Control order upheld. No specified minimum level of detail required in open documents to ensure <i>Art 6</i> compliance. Infringement of <i>Art 6</i> rights would be exceptional where there was a special advocate. 16 hour curfew a restriction, not deprivation of liberty, and justified given the evidence of the controlee's activities. AE granted permission to appeal.

AF 9.04.2008 [2008] EWHC 689 (Admin)	Administrative Court - Substantive review (2 <sup>nd</sup> of 2 judgments in same proceedings)	Detailed consideration of House of Lords decision SSHD v MB [2007] UKHL 46, especially speech of Lord Brown. <i>Art 6</i> requires the substance of the SSHD's case on which she relied to be disclosed to the controlee with no exception, even if the Court felt sure no challenge could have succeeded. SSHD granted permission to appeal.
AH 23.04.2008 [2008] EWHC 1045 (Admin)	Administrative Court - Substantive review (1 <sup>st</sup> of 2 judgments in same proceedings)	<i>Art 6</i> does not require the SSHD to confirm or deny the occurrence of alleged meetings between a controlee and the Security Service. The SSHD was not relying on any such meetings, if they occurred. The controlee may present evidence about such hearings, if they occurred.
AH 9.05.2008 [2008] EWHC 1018 (Admin)	Administrative Court - Substantive review (2 <sup>nd</sup> of 2 judgments in same proceedings)	Given the evidence of the controlee's activities, requirements including to move to a specified city where he knew nobody, a 10 hour curfew, electronic tag, regular entry and search, geographical restriction on movement and restricted use of communications equipment restricted but did not deprive liberty, and were <i>Art 5</i> compliant on the facts of the case. The starting point was the curfew. Each case should be considered on its facts, objectively. There was no breach of <i>Art 6</i> .
Abu Rideh 23.06.2008 [2008] EWHC 1382 (Admin)	Administrative Court - Modification appeal	Controlee recently sectioned under <i>Mental Health Act 1983</i> : requirement to report to police station in person replaced on an interim basis with telephone reporting, as personal reporting found particularly onerous by controlee as a result of his mental state.
AE 21.07.2008 [2008] EWHC 1743 (Admin)	Administrative Court - Modification appeal	On the facts, refusal to permit controlee to attend AS Level science courses necessary and proportionate, given failure of controlee to provide details of previous scientific/medical studies, and that attendance would enable him to acquire skills and information re production of pathogens and explosives.
AV and AU 31.07.2008 [2008] EWHC 1895 (Admin)	Administrative Court - Modification appeal	No modifications ordered. Controlees subject to non-derogating orders may appeal against SSHD decision refusing to modify COs, without showing a change in circumstances since the CO was made. Stringent restrictions including a 16 hour curfew upheld on applying a 'structured proportionality test' to the evidenced level of risk. Residing at his family home with his family reduced the effect of the restrictions.
Abu Rideh 8.08.2008 [2008] EWHC 1993 (Admin)	Administrative Court - Substantive review	Open material, almost all relating to his pre-2001 activities, gave insufficient disclosure to enable the controlee or special advocate properly to respond to the essential features of the case insofar as they depended on closed material. SSHD granted permission to appeal.

<p>AP 12.08.2008 [2008] EWHC 2001 (Admin)</p>	<p>Administrative Court - Substantive review</p>	<p>CO necessary; due deference to be given to position of SSHD in determination of whether CO necessary, and restrictions. Relocation to unfamiliar area and 16 hour curfew not of themselves disproportionate. However, those restrictions combined with ban on attending pre-arranged meetings outside his home, and consequent social isolation, made this deprivation of liberty contrary to <i>Art 5</i>. Decision would have been different if controlee had not been relocated. Residence obligation quashed. No breach of <i>Art 6</i>.</p>
<p>Abu Rideh 15.08.2008 [2008] EWHC 2019 (Admin)</p>	<p>Administrative Court - Modification appeal</p>	<p>Restrictions to be modified where they had a disproportionate effect on controlee's mental state and on his family. No longer required to report by telephone to a police station in the early hours of the morning; nor to obtain prior approval for female visitors to his family at home.</p>
<p>Times Newspapers Ltd v SSHD 17.10.2008 [2008] EWHC 2455 (Admin)</p>	<p>Administrative Court - Appeal to lift anonymity order</p>	<p>Orders for the anonymity of controlees should not be automatic, but should be supported by reasoning by the SSHD. Of themselves, anonymity orders in CO cases did not create any overriding problems for open justice or <i>Art 10</i> (freedom of expression and the media) rights. The judge found compelling operational factors for anonymity in relation to <i>AY</i>.</p>
<p>AF, AM, and AN; AE (JUSTICE intervening) 17.10.2008 [EWCA] Civ 1148</p>	<p>Court of Appeal (conjoined appeals)</p>	<p>Considered <i>SSHD v MB</i> [2007] UKHL 46. That there is no irreducible minimum of disclosure, though this did not mean that there would be no cases in which failure to provide the gist of evidence as to reasonable grounds for suspecting terrorism-related activity would lead to conclusion that the hearing was not unfair. Each case will have to be considered on its own merits. Controlee should be given maximum possible information consistent with the national interest. Permission given for appeal to the House of Lords (pending).</p>
<p>AR 19.12.2008 EWHC 3164 (Admin)</p>	<p>Administrative Court - Substantive review</p>	<p>Control order upheld. Admin Court not bound by earlier findings of fact by Special Immigration Appeals Commission in relation to activities of person who later became controlee, but desirable that there should be consistency: SIAC findings to be checked against those of the Court, and Court to give reasons for any significant differences. Open disclosure of gist (but not all) of SSHD's case ample, as special advocate well able to deal with the case. Earlier terrorism activity for named (and proscribed) group capable of supporting belief that controlee might re-engage in its activities.</p>

53. The case of *Abu Rideh* is an example of discussion of the potential psychological effects of control orders. Especially in relation to relocated controlees, and of course those with a mental health history, this is an important consideration in relation to the obligations imposed by such an order. This places responsibilities on both sides. Those representing the controlees should (and surely have a professional and ethical duty to) ensure that any such evidence is drawn to the attention of the Home Office as early as possible. There is support in European case law for the proposition that, where the State takes coercive measures that could affect the physical or mental well-being of the individual, it is under a duty to monitor effectively the impact of those measures<sup>8</sup>.
54. The recent cases have emphasised that the key to judging the restrictions imposed by a control order is proportionality. In each case they must be proportional to the risk to national security presented by the controlee, taking into account as appropriate the controlee's personal circumstances including health. The minimum obligations consistent with public safety provide the only acceptable basis for control orders.
55. Officials and representatives involved in managing control orders should meet regularly to monitor each case, with a view to advising on a continuing basis as to the necessity of the obligations imposed on each controlee, and as to whether the order should continue. Included in those considerations must be the effect on their families, especially any children living with them. The CORG is now a matter of public knowledge, and its activities have been scrutinized by the High Court. Once again this year I have attended some of its meetings, as an observer. I have been able to contribute when matters of principle and relevance to the review process have

---

<sup>8</sup> *Keenan v UK* [2001] 33 EHRR 38

arisen. CORG includes officials from the Home Office, police and other relevant parts of the public service. They scrutinize each control order methodically and in detail, and discuss the proportional needs of the case. One of the matters always discussed is the potential for bringing the order to an end.

56. The terms of reference of the CORG are set out below:

**Terms of reference for the Control Orders Review Group (CORG) (Revised December 2007)**

The purpose of the Group is:

1. To bring together the departments and agencies involved in making, maintaining and monitoring control orders on a quarterly basis to keep all orders under frequent, formal and audited review.
2. To ensure that the control order itself remains necessary as well as ensuring that the obligations in each control order are necessary and proportionate. This includes consideration of whether the obligations as a whole and individually:
  - a. Are effectively disrupting the terrorism-related behaviours of and risk posed by the individual?
  - b. Are still necessary to manage the risk?
  - c. Need to be amended or added to in order to address new or emerging risks?
3. To monitor the impact of the control order on the individual, including on their mental health and physical well-being, as well as the impact on the individual's family and consider whether the obligations as a whole and/or individually require modification as a result.
4. To keep the prospect of prosecution under review, including for breach of the order.
5. To consider whether there are other options for managing or reducing the risk posed by individuals subject to control orders.

57. I can report that the work of CORG is well-organised and methodical. I am in no doubt that Ministers and officials have a genuine interest in seeing control orders brought to an end as long as the national interest remains protected. As in previous reviews, I am concerned about the ending, or endgame, of each control order. There has to be an end of the order at some point, in every case. Some of the controlees have already been the subject of their orders for a considerable time. Their orders cannot be continued indefinitely – that was never intended and would likely not be permitted by the courts. I am satisfied that in every case there is an ongoing search for a strategy for the ending of the order.

58. My view is that it is only in a few cases that control orders can be justified for more than two years. After that time, at least the immediate utility of even a dedicated terrorist will seriously have been disrupted. The terrorist will know that the authorities will retain an interest in his or her activities and contacts, and will be likely to scrutinise them in the future. For those organising terrorism, a person who has been subject to a control order for up to two years is an unattractive operator, who may be assumed to have the eyes and ears of the State upon him/her. Nevertheless, the material I have seen justifies the conclusion there are a few controlees who, despite the restrictions placed upon them, manage to maintain some contact with terrorist associates and/or groups, and a determination to become operational in the future.

59. The government has rejected my view expressed last year that there should be a recognised and possibly statutory presumption against a control order being extended beyond two years, save in genuinely exceptional circumstances. Nevertheless I believe that it is fully recognised that extended periods under control orders are likely to be reviewed with especial care by the courts.

## COURT SUPERVISION

60. A system of law for the supervision by the court of non-derogating control orders is provided by *section 3*. The section has been amended by the *Counter-Terrorism Act 2008*. In every case there must be an application to the court for permission, in non-urgent cases to make the control order, and in urgent cases for the confirmation of the order. The language of *section 3(3)* makes it clear that the order will subsist unless the decision is “*obviously flawed*”. In each case the Administrative Court subsequently undertakes a full judicial review under *section 3(10)* which will hear all the evidence and consider whether the decision to make the control order was flawed.
61. At the *section 3(10)* judicial review hearing the Court has the power pursuant to *section 3(12)* to quash the order, to quash one or more obligations imposed by the order, or to give directions to the Secretary of State for the revocation of the order or for the modification of the obligations imposed by the order.
62. *Section 3* requires directions hearings for non-urgent control orders to begin as soon as reasonably practicable after the order is made. The 2008 Act amended *section 3(7)* and added a new *section 3(7A)*: this clarifies the arrangements for the controlee to make representations to the court.
63. *Section 4* provides the powers of the courts to make derogating control orders; *section 5* deals with issues of arrest and detention pending derogating control orders; and *section 6* provides for their duration. As no derogating control orders have been made to date, again I am unable to report at this stage on the operation



of the derogation provisions. Given the restrictive nature of non-derogating orders, and the reverberations that derogation would cause, I hold as strongly as before to my previously expressed hope that no derogating orders will be required. Plainly, the moment one was made it would require intensive review of every step in the statutory procedure and of its effect on the controlee.

64. I have received no complaints from controlees or those representing them to the effect that the court procedures are not working satisfactorily. Nor, other than through court transcripts and reports, have I been informed of any adverse effects of the system on controlees. As always, I am willing to hear any such complaints, and would consider them in detail.

65. Once again this year I have received no complaints about the special advocate procedure in control order cases. The pool has been enlarged. There were 50 special advocates at the end of 2008. Eight of these were added to the list in 2007, and seven in 2008. The special advocates are skilled and conscientious, and certainly useful. They have had an effect in the outcome of cases, and in all cases have been of great assistance to the Court. Their use has been studied, with favourable comment, by other jurisdictions.

## MODIFICATION OF CONTROL ORDERS

66. *Section 7* provides for the modification, notification and proof of orders. By *section 7(1)* the controlee, on the basis of a change of circumstances affecting the order, may apply for revocation or modification of the obligations imposed by the order. If such an application is made, the Secretary of State has the statutory duty to consider it. By *section 7(2)* the Secretary of State has the power to revoke or modify the obligations of an order, save that she cannot up-rate it from a non-derogating to a derogating order.

67. *Section 7* allows too for applications to be made to the court for revocation or modification of derogating orders. I have received no representations to suggest that the provisions in *section 7* are defective or inefficient.

## COMPLIANCE

68. The 2008 Act has added a new *section 7A*. This provides the police with powers to enter and search premises connected with the controlee if there is reasonable suspicion that the controlee has absconded, in order to ascertain whether he has absconded and, if so, to assist in pursuit and arrest.
69. New *section 7B* permits forced entry by the police where there is reasonable suspicion that the controlee is not granting access to premises where at the time he is required to be situated under the order. This power is for the purpose of determining whether any of the obligations imposed by the control order have been contravened, and, if so, for material that may assist in the investigation of the contravention.
70. New *section 7C* allows for a warrant for entry and search to be issued at magistrates' court level for the purposes of determining whether the controlee is complying with the obligations of a control order. The bar for such warrants is quite high: by *subsection (5)* the warrant must be *necessary* for the purposes of determining whether the controlee is complying with the obligations imposed by or under the control order.
71. Sections 10-13 of the Counter-Terrorism Act 2008 provide powers to take fingerprints and non-intimate samples from controlees. This is a proportionate and necessary part of the enforcement of control orders.
72. The new provisions are a proportionate and necessary part of a workable control orders system, with a reasonable range of enforcement powers.

## CRIMINAL INVESTIGATIONS AFTER MAKING OF CONTROL ORDERS

73. Section 8 arises from the important concern that individuals suspected of terrorism offences should be prosecuted and convicted wherever possible, rather than made subject to executive action restricting their liberty.
74. The section applies to a carefully drawn group of cases – those where the terrorism suspect may have committed an offence relating to terrorism, and the commission of that offence is being or would fall to be investigated by a police force. This is not as all embracing as it may seem at first glance, as it may exclude cases where on public interest grounds it had been pre-determined that there should be no investigation with a view to prosecution. However, as in previous years I am unaware of any cases where any such determination has been made.
75. *Section 8(2)* provides that, before a control order can be made or applied for, the Secretary of State must consult the chief officer of the police force for the material area *“about whether there is evidence available that could realistically be used for the purposes of a prosecution of the individual for an offence relating to terrorism.”*
76. If a control order is made, the chief officer of police has the obligation under *section 8(4)* to keep under review the possibility of an investigation and criminal prosecution. *Section 8(5)* contains a strangely drawn obligation (“must”) to consult the relevant prosecuting authority (in England and Wales the Director of Public Prosecutions) but, in relation to *section 8(4)* *“to the extent that he considers it appropriate to do so”*.

77. I have seen letters from chief officers of police in relation to each controlee certifying that there was no realistic prospect of prosecution. In 2006 and again in 2007 I urged that there should be more detail in those letters – for example, and if necessary in a closed version, an explanation of the sensitivity of material that could not be placed before a court of trial. The decision whether to prosecute should be taken by the CPS following detailed and documented consultation in every case between the CPS, the police, the Security Service and the Home Office, on the basis of full consideration of the evidence and intelligence. My experience of CORG meetings leaves me in no doubt that the process is followed. For example, in the case of one controlee there was repeated discussion of whether what might well be provable crime had occurred within a UK jurisdiction, with a view to prosecution if at all possible.

78. The quality of the letters concerning possible prosecution has continued to improve, in the sense that some reasons are now given. As much detail as possible should be given to the Home Secretary in every case as to why additional investigation, or different forms of evidence gathering, might not enable a criminal investigation to take place. It is a given that it would be far better for prosecutions to occur, of course provided they pass the usual threshold standards for prosecution (evidential and public interest, respectively) applied in all cases by the CPS. Very recently I have reviewed one case for which the possibility of a successful prosecution is currently being considered, and I shall be re-examining the case in due course. The control order system as operated currently in its non-derogating form is a justifiable and proportional safety valve for the proper protection of civil society – but prosecution and conviction by a jury of criminal offences is a far more wholesome and satisfactory way of dealing with suspected terrorists.

## OFFENCES

79. *Section 9* sets out the offence of contravention of a control order. Obstruction of a constable in the exercise of new *sections 7A, 7B* and *7C* is made an offence by new *section 9(3A)*, added by the 2008 Act.
80. Breach of any conditions without reasonable excuse is a criminal offence punishable on indictment by imprisonment of up to 5 years, or an unlimited fine.
81. As set out in Annex 2, some breach charges are pending at the time of writing. There were few significant breaches in 2008. Since January 2007 on one occasion a sentence of 5 months' imprisonment has been passed in breach proceedings. Furthermore, an individual who is not subject to a control order was convicted and sentenced to 3½ years' imprisonment for assisting an individual to breach their control order. Breaches may be regarded as serious criminal offences.

## APPEALS AND OTHER PROCEEDINGS

82. *Sections 10 and 11* provide the system of appeals against control orders, control order court decisions and derogation matters.

83. *Section 10(4), (5) and (6)* make it clear that the principles applicable in non-derogating control order appeals are those applicable on an application for judicial review.

84. This means that such appeals are not analogous to a criminal trial. Indeed, as some of the 2008 cases have reminded us, control order cases are civil proceedings, in the form of administrative court hearings. In lay language, the decision of the Secretary of State will be upheld unless shown to be founded on a mistake of law, or on a disproportionate assessment of the facts in their legal context, or perverse.

85. *Section 12* is a largely procedural provision dealing with appeals against convictions for breach of control orders before the quashing of the order or an obligation under it. Nothing complex has arisen as yet in relation to this section.

## OTHER PROVISIONS

86. *Section 15* deals with interpretation; and *section 16* with necessary supplemental provisions. Neither of those sections has been the subject of any difficulty in 2008.

87. The *Schedule* to the Act, with minor amendments under the 2008 Act, mainly sets out the rule making powers. These have been exercised by the enactment of the *Civil Procedure (Amendment No 2) Rules 2005*<sup>9</sup>. These rules include the appointment and responsibilities of special advocates, and the difficult issue of hearings in the absence of the controlee and his own legal representatives; and disclosure, much debated in the courts in 2008. The rules of court continue to work reasonably well. Case management remains firm and flexible.

---

<sup>9</sup> SI 2005/656; in force 11<sup>th</sup> March 2005; also *Act of Sederunt (Rules of the Court of Session Amendment No 4) (Prevention of Terrorism Act 2005) 2005*, SSI 2005/153; and *Act of Sederunt (Rules of the Court of Session Amendment No 5) (Miscellaneous) 2005*, SSI 2005/193



## DURATION OF CONTROL ORDER PROVISIONS, AND REVIEW

88. *Section 13(1)* limited the original duration of the control orders system to 12 months from the 11th March 2005, the date on which the Act was passed. Subject to certain consultation obligations set out in the section, it may be continued for a year at a time. An affirmative resolution of each House of Parliament is required before continuation can occur, save in restricted circumstances of emergency (when resolutions would be required within 40 days). The affirmative resolution procedure enables debate in both Houses of Parliament, and requires approval in both.
89. As required by *section 14(1)* the Secretary of State has reported every three months to Parliament about the exercise of the control order powers. An increasing amount of information is now being provided in those quarterly statements; it is right that all possible information should be given, subject to considerations of national security and legitimate anonymity and personal confidentiality.
90. This report is my response to my duties under *section 14(3) and (4)*, namely to report on “*the operation of this Act*”. My next report under that obligation will appear in a year’s time.
91. I have the duty under *section 14(5)(b)* to report on the extent (if any) to which the Secretary of State has made use of her powers to make non-derogating orders in urgent cases without the permission of the court. I am happy to report that there were no such cases in 2008.
92. I have the additional duty, under *section 14(5)(a)*, to provide my opinion on the implications for the “*operation of this Act*” of any proposal made by the Secretary

of State for the amendment of the law relating to terrorism. There are no material proposals outstanding at the time of writing.

## ADDRESSES FOR COMMENTS AND REPRESENTATIONS

93. Any comments or representations about this report or the review process should be sent by email to [carlilea@parliament.uk](mailto:carlilea@parliament.uk) or in hard copy to Lord Carlile Q.C., House of Lords, London SW1A 0PW.

Alex Carlile

Lord Carlile of Berriew Q.C.

February 2009

**ANNEX 1 CURRENT CASES (AS OF 31 DECEMBER 2008 – 15 CASES)**

	TAG	Residence/ Curfew	Tel reporting	Visitors	Pre-arranged meeting	Prohibited associates	Permit police search/entry	24 hours powers	Comms	Specify mosque	Geographical area	UK Departure	Financial	Transfer of money / goods	Travel docs	Must not leave UK	Ports / rail	Daily to police station	Employment notification	No IT assistance	Must not lead prayers etc	Academic / training
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Case 1	X	16	X			X	X	X	X	X	X	X	X	X	X		X		X		X	X
Case 2	X	16	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X		X	X
Case 3	X	16	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X		X	X
Case 4	X	10	X				X	X	X	X	X	X	X	X	X		X		X			X
Case 5		12	X	X	X	X	X	X	X			X	X	X	X		X	X	X			
Case 6	X	8	X			X	X	X	X						X	X	X		X			
Case 7	X	12	X				X	X	X	X			X	X	X	X	X		X			
Case 8	X	14	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X
Case 9	X	12	X	X		X	X	X	X	X	X	X	X	X	X		X		X			X
Case 10	X	12	X	X		X	X	X	X	X	X	X		X	X		X		X			X
Case 11	X	12	X	X	X	X	X	X	X	X	X	X			X		X		X		X	X
Case 12	X	12	X	X		X	X	X	X	X	X	X		X	X		X		X			X
Case 13	X	12	X	X		X	X	X	X	X	X	X	X	X	X		X		X			X
Case 14	X	16	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X		X	X
Case 15	X	16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
<b>TOTAL (FOR 15 CURRENT CONTROL ORDERS)</b>																						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
<b>TOTAL</b>	14	15	15	11	7	13	15	15	15	13	12	13	11	13	15	3	14	3	15	1	6	12

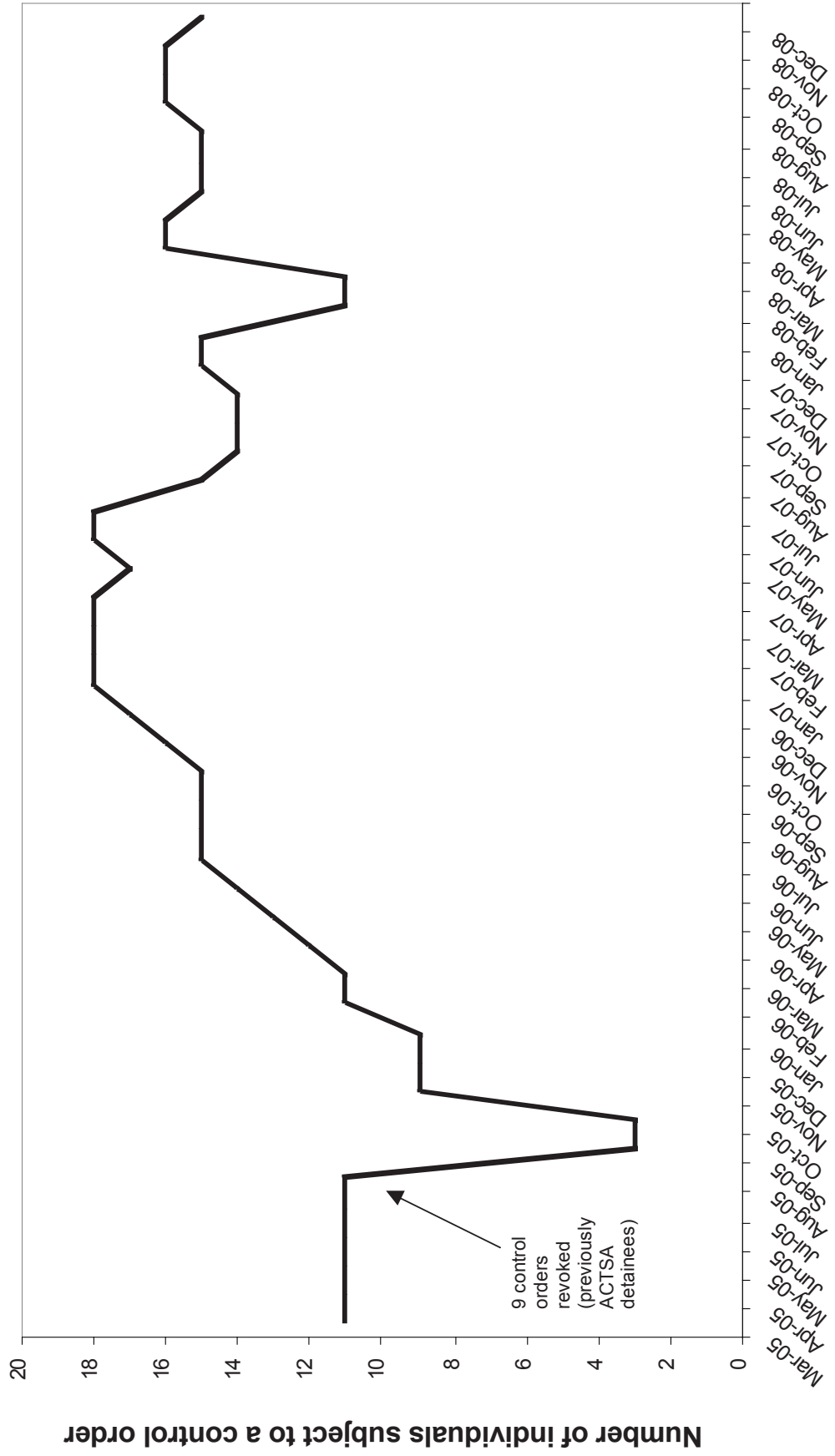
Average Length of Curfew: 13 Hours

**KEY:**

1. TAG
2. RESIDENCE SPECIFIED/CURFEW  
Numbers indicate hours of curfew.
3. REPORT DAILY (BY TELEPHONE) TO MONITORING COMPANY
4. RESTRICTED ENTRY OF VISITORS TO RESIDENCE  
In each case, some specified family members have unrestricted access to the residence.
5. PRE-ARRANGED MEETINGS OUTSIDE THE RESIDENCE REQUIRE APPROVAL
6. LIST OF PROHIBITED ASSOCIATES
7. PERMIT ENTRY TO POLICE OFFICERS
8. FIRST 24 HOURS TO SECURE COMPLIANCE
9. RESTRICTION ON COMMUNICATIONS EQUIPMENT IN THE RESIDENCE  
(VARIATIONS BETWEEN COMMS OBLIGATION)
10. ATTEND SPECIFIED MOSQUE/S

11. GEOGRAPHICAL RESTRICTIONS
12. NOTIFY HOME OFFICE OF INTENDED DEPARTURE FROM UK
13. FINANCIAL OBLIGATIONS - HOLD ONLY ONE ACCOUNT
14. PRIOR APPROVAL FOR TRANSFER OF MONEY / GOODS ABROAD (APART FROM PERSONAL LETTERS)
15. SURRENDER TRAVEL DOCUMENTS
16. MUST NOT LEAVE THE UK
17. PROHIBITION FROM ENTERING PORT/RAILWAY
18. REPORT DAILY TO SPECIFIED POLICE STATION
19. NOTIFY HOME OFFICE OF EMPLOYMENT
20. MUST NOT PROVIDE IT RELATED TECHNICAL ADVICE/ ASSISTANCE
21. NOT TO LEAD PRAYERS IN MOSQUE/ OR ANYWHERE EXCEPT FOR OWN RESIDENCE
22. PRIOR APPROVAL FOR ACADEMIC STUDY AND TRAINING

## Number of individuals subject to a control order (March 05 - Dec 08)



## ANNEX 2: BREACH CHARGES SINCE JANUARY 2008 (accurate as of 31 December 2008)

Cases	Obligation(s) breached	Charge(s)	Date of arrest	Date of charge	Status at present
Case A	Communications and boundary.	Contravening his control order obligations.	July 2008 and November 2008	July 2008 and November 2008	Bailed until further notice. The trial for suspected breach of the control order obligations is due to take place in April 2009. The court is awaiting the outcome of the Court of Appeal's judgment on Article 6 (right to a fair trial) before they hear this criminal case.
Case B	Reporting and communications.	Contravening his control order obligations.	February 2008 and June 2008	February 2008 and June 2008	Bailed until further notice. The date of his trial has yet to be confirmed. He currently has an appeal against the decision not to allow him to appeal his section 3(10) decision and an appeal against the renewal of the control order in July 2008. The court is awaiting for the outcome of these appeals before they hear this criminal case.
Case C	Communications and financial.	Contravening his control order obligations.	October 2008	October 2008	Bailed until further notice. The trial for suspected breach of the control order obligations is due to take place in March 2009.

## ANNEX 3

### PREVENTION OF TERRORISM ACT 2005, SECTION 2

#### SCHEDULE

#### THIS SCHEDULE SETS OUT THE OBLIGATIONS IMPOSED ON:

XXXXX

#### OBLIGATIONS

The following obligations form part of the control order and are imposed on you by virtue of section 1(3) of the Prevention of Terrorism Act 2005:

Upon service of the control order and thereafter for the duration of this control order:

- 1) You shall permit yourself to be fitted with and shall thereafter at all times wear an electronic monitoring tag (“the tag”). You must not damage or tamper with the tag, the tag monitoring equipment and/or the telephone provided by the monitoring company (including the associated line).
- 2.1) You shall reside at XXXX (“the residence”) and shall remain in the residence at all times save for a period of 16 hours between 7am and 11pm or as specified in the directions given in writing referred to at obligation (12) below. “Residence”, in the case of a flat, encompasses only that flat and any private outside garden associated with it but, in particular, does not include any communal area either inside or outside to which any person not within the residence would have unrestricted access. “Residence”, in the case of a house, encompasses only the house and any private outside garden associated with it which can be accessed without passing through any communal area to which any person not within the residence would have unrestricted access.
- 2.2) In order to secure compliance with obligation (2.1) you shall comply with directions given in writing, by a police officer or other person authorised by the Secretary of State, relating to any occupancy rules associated with the residence.
- 3) Each day, you must report to the monitoring company (as notified to you):
  - (a) via the dedicated line provided by the monitoring company on the first occasion you leave the residence and on the last occasion that you return to it; and,
  - (b) via the dedicated line provided by the monitoring company or on the mobile telephone permitted under obligation (7.1) once between 12:00 and 13:00 every day and once between 17:00 and 18:00 every day.



You are permitted to use the telephone provided to you by the monitoring company only for the purposes of complying with this obligation, or providing notification under obligations (15.2)(d).

- 4.1) Within 24 hours of any entry to the residence by any person, subject to obligations (4.2) and (11), you must supply the Home Office with:
  - (a) the name and address of the person;
  - (b) the date and time at which the person entered the residence; and,
  - (c) the date and time at which the person exited the residence.
- 4.2) Obligation (4.1) does not apply to:
  - (a) your father, mother and siblings;
  - (b) your nominated legal representative as notified to the Home Office;
  - (c) members of the emergency services, monitoring company or healthcare or social work professionals who are operating in their professional capacity; and,
  - (d) any person required to be given access to the property under the occupancy rules and/or for the maintenance of the water, electricity, gas and/or telephone supply who are operating in their professional capacity.
- 5) You shall not, outside of the residence:
  - (a) meet any person by prior arrangement, other than:
    - (i) a person referred to in obligation (4.1) above;
    - (ii) for health or welfare purposes at an establishment on a list provided to and agreed by the Home Office before your first visit;
    - (iii) for academic or training purposes at an establishment notified and agreed by the Home Office before your first attendance in accordance with obligation (13) below;
    - (iv) for employment purposes at a place of employment notified and agreed by the Home Office before your first visit in accordance with obligation (14) below;
    - (v) any person, excluding those prohibited associates listed at obligation (11) identified in a list provided to the Home Office and approved by the Home Office in writing within 7 days; or

- (b) attend any pre-arranged meetings or gatherings (other than attending prayers at a mosque), save with the prior agreement of the Home Office. For the avoidance of doubt, a meeting shall be deemed to take place outside of the residence if one or more parties to it are outside of the residence.
- 6.1) You must permit entry to your residence and/or any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, to police officers and/or persons authorised by the Secretary of State and/or persons from the monitoring company, on production of identification, at any time to verify your presence at the residence and/or to ensure that you can comply and are complying with the obligations imposed by this control order. Such monitoring may include but is not limited to:
- (a) a search of the residence, and/or you whilst you are in the residence and/or a search of any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in;
  - (b) removal of any item to ensure that it does not breach the obligations imposed by this control order;
  - (c) inspection/modification or removal for inspection/modification of any article to ensure that it does not breach the obligations imposed by this control order;
  - (d) permitting the installation of such equipment in the residence as may be considered necessary to ensure compliance with the obligations imposed by this control order; and
  - (e) the taking of your photograph.
- 6.2) You must, within seven days of notification of the imposition of this obligation, identify to the Home Office any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, other than your residence as stated in obligation (2). If you subsequently obtain ownership, control, or any other interest in any building, land, vehicle or other place in the United Kingdom after the notification of the imposition of this obligation you must inform the Home Office of any such building, land, vehicle or other place within 2 days of your obtaining any such ownership, control or other interest.
- 7.1) Subject to obligations (7.2), (7.4) and (7.5) you shall not (whether directly or indirectly) use, have, acquire or keep (whether in or outside the residence, or bring or permit into the residence the following:
- (a) any equipment capable of connecting to the internet;

- (b) any components of computer/s;
- (c) electronic storage device/s;
- (d) any fixed line and/or mobile telephone/s with the exception of one fixed telephone line in the residence, the dedicated line maintained by the monitoring company, and one mobile telephone that is not capable of connecting to the internet;
- (e) SIM card/s with the exception of one SIM card for use in the permitted mobile telephone;
- (f) fax machine/s; and
- (g) pager/s.

7.2) You may permit a third party to bring the following device(s) into your residence whilst you are in the residence if the device(s) are switched off (where applicable) and not used at any time whilst you are in the residence and the third party agrees to make the device(s) available for inspection for the purposes of obligation (7.3) below:

- (a) mobile telephone/s;
- (b) SIM card/s
- (c) pager/s.

7.3) In order to ensure your compliance with obligations (7.1) and (7.2), any of the devices / equipment referred to in obligations (7.1) and (7.2) must on request be delivered up to a person authorised by the Secretary of State for inspection (which may require removal) to ensure that it complies with the conditions in obligations (7.1) and (7.2).

And you must disclose to your designated police officer or person/s authorised by the Secretary of State:

- (i) the number, make and model of any mobile telephone and/or the number of any SIM card permitted under obligation (7.1) in your possession, custody or control, as soon as reasonably practicable and in any event within 24 hours of the service of this notification;
- (ii) the number, make and model of any replacement mobile telephone and/or the number of any replacement SIM card permitted under obligation (7.1) that comes into your possession, custody or control as

soon as reasonably practicable and in any event within 24 hours of it coming into your possession.

- 7.4) The prohibition against permitting the devices/equipment referred to at obligation (7.1) does not apply to such devices/equipment belonging to police officers; employees of the electronic monitoring company; any person required to be given access to the property under the occupancy rules and/or for the maintenance of the water, electricity, gas and/or telephone supply who are operating in their professional capacity; or members of the emergency services or healthcare or social work professionals who are operating in their professional capacity.
- 7.5) You may use fixed telephone lines at your place of work for work purposes only.
- 7.6) You may only access applications via the internet that have been agreed in advance and in writing with the Home Office. These applications may be accessed for work purposes only at the premises of your current place of work (as previously notified to the Home Office or agreed under obligation (14.2)).
- 8) You shall not apply for or have in your possession or available for your use any passport, identity card, travel document(s) or travel ticket which would enable you to travel outside Great Britain.
- 9.1) You are prohibited from entering or being present at any of the following:
  - (a) any airport or sea port; or
  - (b) any part of a railway station that provides access to an international rail servicewithout prior permission from the Home Office.
- 9.2) For the avoidance of doubt, any part of an airport, seaport or railway station which provides access to an international rail service referred to in obligations (9.1) (a) and (b) includes but is not limited to:
  - (a) any car park;
  - (b) arrival / departure lounge;
  - (c) collection / drop off point; and/or
  - (d) any building or placewhich is located at or for which the primary purpose is to serve an airport, seaport or railway station which provides access to an international rail service.
- 10) You must not leave Great Britain.

- 11) You shall not associate or be party to any communications from or with, directly or indirectly at any time or in any way with the following individuals:

XXXXX

XXXXX

XXXXX

- 12) In order to secure compliance with the obligations imposed by the control order, you shall comply with such other prohibitions or restrictions on your movement as may be required by directions given in writing at the time of service of the control order or a modification thereof by a police officer or other person authorised by the Secretary of State. Such prohibitions or restrictions shall cease to be effective 24 hours after the giving of the directions, or on earlier direction.

- 13.1) You must not commence any training course or academic study course provided by a third party, unless and until:

- (a) you have provided the Home Office with the following information at least 7 days prior to the commencement of the training course or academic study course:

- (i) the name and address of your training course provider or academic study course provider;
- (ii) the nature and location of your training course or academic study course;
- (iii) if known, the dates on which you expect the training course or academic study course to commence and finish, and the schedule of the training course or academic study course;

- (b) you have received approval in writing from the Home Office for the training course or academic study course.

- 13.2) Where any approval is referred to in obligation (13.1)(b) is subject to conditions, you must comply with these conditions.

- 13.3) Where you are already undertaking a training course or academic study course provided by a third party, you must provide the Home Office within 7 days of notification of the imposition of this obligation with the details required under obligation (13.1)(a). You must immediately cease your involvement in the training course or academic study course if you receive notification in writing from the Home Office to do so.

14.1) You must notify the Home Office if you cease to be employed, within 2 days of ceasing to be employed.

14.2) You must not take up any new employment unless and until:

- (a) you have provided the Home Office with the following information:
  - (i) the name and address of your intended employer;
  - (ii) the nature and location of your work; and
  - (iii) if known, the date on which you expect the new employment to commence; and
- (b) you have received approval in writing from the Home Office for the new employment.

14.3) Where any approval referred to in obligation (14.2)(b) above is subject to conditions, you must comply with those conditions.

## ANNEX 4

### PREVENTION OF TERRORISM ACT 2005, SECTION 2

#### SCHEDULE

**THIS SCHEDULE SETS OUT THE OBLIGATIONS IMPOSED ON:**

**XXXXX**

#### **OBLIGATIONS**

The following obligations form part of the Control Order and are imposed on you by virtue of section 1(3) of the Prevention of Terrorism Act 2005.

Upon service of the control order and thereafter for the duration of this control order:

- 1) You shall permit yourself to be fitted with and shall thereafter at all times wear an electronic monitoring tag (“the tag”). You must not damage or tamper with the tag, the tag monitoring equipment, and/or the telephone provided by the monitoring company (including the associated line).
- 2.1) You shall permit yourself to be taken to and thereafter reside at xxx (“the residence”) and shall remain in the residence at all times save for a period of 8 hours between 9am and 5pm or as specified in the directions given in writing referred to at obligation (8) below. “Residence”, in the case of a flat, encompasses only that flat and any private outside garden associated with it but, in particular, does not include any communal area either inside or outside to which any person not within the residence would have unrestricted access. “Residence”, in the case of a house, encompasses only the house and any private outside garden associated with it which can be accessed without passing through any communal area to which any person not within the residence would have unrestricted access.
- 2.2) In order to secure compliance with obligation (2.1) you shall comply with directions given in writing, by a police officer or other person authorised by the Secretary of State, relating to any occupancy rules associated with the residence.
- 3) Each day, you must report to the monitoring company (as notified to you) via the telephone provided by the monitoring company:
  - (i) on the first occasion you leave the residence after a curfew period has ended; and
  - (ii) on the last occasion you return to it before a curfew period begins.

You are permitted to use this telephone only for the purposes of complying with this obligation or as directed by the Home Office.

- 4.1) Subject to obligation (4.3), you shall not permit any person to enter the residence, save for:
  - (a) your wife and children, your parents, and your siblings;
  - (b) your nominated legal representative as notified to the Home Office;
  - (c) members of the emergency services or healthcare or social work professionals who are operating in their professional capacity;
  - (d) any person aged 10 or under; and
  - (e) any person required to be given access to the property under the occupancy rules and/or for the maintenance of the water, electricity, gas and/or telephone supply who are operating in their professional capacity.
- 4.2) Individuals listed under obligation (6) may not enter the residence at any time.
- 4.3) You shall not permit any other individual to enter the residence except with the prior agreement of the Home Office. In relation to those other individuals, you must supply the name, address, date of birth and photographic identification of the individual. The prior agreement of the Home Office shall not be required for subsequent visits by an agreed individual, but this does not prevent the Home Office withdrawing that agreement at any time and/or requesting further/updated photographic identity/photograph and/or updated name and address details of visitors that have already been approved.
- 5) You shall not, outside of the residence:
  - (a) meet any person by prior arrangement, other than:
    - (i) a person referred to in obligation (4.1) (a) to (b) above;
    - (ii) for health or welfare purposes at an establishment on a list provided to and agreed by the Home Office before your first visit;
    - (iii) for academic or training purposes at an establishment notified and agreed by the Home Office before your first attendance in accordance with obligation (18) below;
    - (iv) for employment purposes at a place of employment notified and agreed by the Home Office before your first visit in accordance with obligation (19) below; or
  - (b) attend any pre-arranged meetings or gatherings (other than attending prayers at your permitted mosque), save with the prior agreement of the Home Office.



For the avoidance of doubt, a meeting shall be deemed to take place outside of the residence if one or more parties to it are outside of the residence.

- 6) You shall not associate or be party to any communications from or with, directly or indirectly at any time or in any way with the following individuals:

XXXXX

XXXXX

- 7.1) You must permit entry to your residence and/or any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, to police officers and/or persons authorised by the Secretary of State and/or persons from the monitoring company, on production of identification, at any time to verify your presence at the residence and/or to ensure that you can comply and are complying with the obligations imposed by this control order. Such monitoring may include but is not limited to:
- (a) a search of the residence, and/or you whilst you are in the residence and/or a search of any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in;
  - (b) removal of any item to ensure that it does not breach the obligations imposed by this control order;
  - (c) inspection/modification or removal for inspection/modification of any article to ensure that it does not breach the obligations imposed by this control order;
  - (d) permitting the installation of such equipment in the residence as may be considered necessary to ensure compliance with the obligations imposed by this control order; and
  - (e) the taking of your photograph.
- 7.2) You must, within seven days of notification of the imposition of this obligation, identify to the Home Office any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, other than your residence as stated in obligation (2). If you subsequently obtain ownership, control, or any other interest in any building, land, vehicle or other place in the United Kingdom after the notification of the imposition of this obligation you must inform the Home Office of any such building, land, vehicle or other place within 3 days of your obtaining any such ownership, control or other interest in.
- 8) In order to secure compliance with the obligations imposed by the control order, you shall comply with such other prohibitions or restrictions on your movement as

may be required by directions given in writing at the time of service of the control order or a modification thereof by a police officer or other person authorised by the Secretary of State. Such prohibitions or restrictions shall cease to be effective 24 hours after the giving of the directions, or on earlier direction.

- 9.1) Subject to obligations (9.2) and (9.4), you shall not (whether directly or indirectly) use, have, acquire or keep (whether in or outside the residence) or bring or permit into the residence the following:
- (a) any equipment capable of connecting to the internet;
  - (b) any computer/s or component/s thereof;
  - (c) electronic storage device/s;
  - (d) any fixed line and/or mobile telephone/s with the exception of one fixed telephone line in the residence and the dedicated line maintained by the monitoring company;
  - (e) SIM card/s;
  - (f) fax machine/s; and
  - (g) pager/s.
- 9.2) You may permit a third party to bring the following device(s) into your residence whilst you are in the residence if the device(s) are switched off (where applicable) and not used at any time whilst you are in the residence and the third party agrees to make the device(s) available for inspection for the purposes of obligation (9.3) below:
- (a) mobile telephone/s;
  - (b) electronic storage device/s;
  - (c) SIM card/s
  - (d) portable gaming device/s; and
  - (e) pager/s.
- 9.3) In order to ensure your compliance with obligations (9.1) and (9.2), any of the devices/equipment referred to in obligations (9.1) and (9.2) must on request be delivered up to a person authorised by the Secretary of State for inspection (which may require removal) to ensure that it complies with the conditions in obligations (9.1) and (9.2).
- 9.4) The prohibition against permitting the device(s) mentioned at (9.1) does not apply to such device(s) belonging to police officers; employees of the electronic

monitoring company; any person required to be given access to the property under the occupancy rules and/or for the maintenance of the water, electricity, gas and/or telephone supply who are operating in their professional capacity; or members of the emergency services or healthcare or social work professionals who are operating in their professional capacity.

- 10.1) Subject to obligation (10.2), you may attend one mosque of your choosing from those within your permitted area.
- 10.2) Before your first visit to any mosque that you wish to attend, you must obtain approval from the Home Office. The prior approval of the Home Office shall not be required for subsequent visits to that mosque.
- 11) You may not at any time leave the area marked on the attached map at Annex A (the width of the line itself is within the permitted area) without the consent of the Home Office. This area is bordered by xxxxxx.
- 12) You shall not maintain or use more than one account (“account” includes accounts in which you have an interest or over which you have an element of control and includes debit, credit and store cards in which you have an interest or over which you have an element of control). Such account must be held with a bank or other approved financial institution within the UK. The following information must be provided to the Secretary of State:
  - (a) details of all accounts held at the time of service of this control order, including any bank account in which you have an interest, or over which you have any element of control, within 2 days of such service;
  - (b) closing statements relating to any accounts additional to the one permitted account, within 14 days of service of this control order;
  - (c) details of a permitted account opened subsequent to the service of this control order, within 2 days of its opening; and
  - (d) statements of the permitted account on a monthly basis, to be provided within 7 days of their receipt.
- 13) You shall not transfer any money, or arrange for others to transfer, any money, or send any documents or goods to a destination outside the UK (whether yourself or through an intermediary) without the prior agreement of the Home Office. For the purposes of this obligation, documents should not be taken to include personal letters written by you.
- 14.1) Within 24 hours of service of this order, you must surrender your passport/s, identity card or any other travel document to a police officer or persons authorised by the Secretary of State upon service of the control order.

14.2) You shall not apply for or have in your possession or available for your use any passport, identity card, travel document(s) or travel ticket which would enable you to travel outside Great Britain.

15) You must not leave Great Britain.

16.1) You are prohibited from entering or being present at any of the following:

- (a) any airport or sea port; or
- (b) any part of a railway station that provides access to an international rail service without prior permission from the Home Office.

16.2) For the avoidance of doubt, any part of an airport, seaport or railway station which provides access to an international rail service referred to in obligations (16.1) (a) and (b) includes but is not limited to:

- (a) any car park;
- (b) arrival/departure lounge;
- (c) collection/drop off point; and/or
- (d) any building or place

which is located at, or for which the primary purpose is to serve, an airport, seaport or railway station which provides access to an international rail service.

17.1) You must report in person to a designated police station (the location of which shall be notified to you at the imposition of this control order) each day at a time and in a manner to be notified to you in writing by the police.

17.2) The Home Office will notify you in writing if the time, day or location of the designated police station that you are required to report to changes.

18.1) You must not commence any training course or academic study course provided by a third party, unless and until:

- (a) you have provided the Home Office with the following information at least 7 days prior to the commencement of the training course or academic study course:
  - (i) the name and address of your training course provider or academic study course provider;
  - (ii) the nature and location of your training course or academic study course;

- (ii) if known, the date on which you expect the training course or academic study course to commence and the timing of the training course or academic study course;
  - (b) you have received approval in writing from the Home Office for the training course or academic study course.
- 18.2) Where any approval is referred to in obligation (18.1(b)) is subject to conditions, you must comply with these conditions.
- 18.3) Where you are already undertaking a training course or academic study course provided by a third party, you must provide the Home Office within 7 days of notification of the imposition of this obligation with the details required under obligation (18.1) (a). You must immediately cease your involvement in the training course or academic study course if you receive notification in writing from the Home Office to do so.
- 19.1) Within 7 days of notification of the imposition of this obligation, you must provide the Home Office with confirmation that you are not employed, or the following details of any current employment:
- (a) the name and address of your employer; and
  - (b) the nature and location of your work.
- 19.2) The Home Office will notify you in writing of areas of employment which are referred to in this obligation as “notified areas of employment”. You must not commence any employment in a notified area of employment unless and until:
- (a) you have provided the Home Office with:
    - (i) the name and address of your intended employer;
    - (ii) the nature and location of your work; and
    - (iii) if known, the date on which you expect the employment to commence;and
  - (b) you have received approval in writing from the Home Office for the new employment.
- 19.3) Where you are already employed in a “notified area”, you must cease employment immediately if you receive notification in writing from the Home Office to do so.
- 19.4) Where any approval referred to in obligation (19.2)(b) above is subject to conditions, you must comply with those conditions.

19.5) In relation to any new employment which is not in a “notified area of employment” that you have applied for or have commenced since the notification of the imposition of this obligation, you must provide the Home Office with:

- (i) the name and address of your new or intended employer; and
- (ii) the nature and location of your work within 7 days of your new employment commencing or, if earlier, within 7 days of your applying for the new employment

## ANNEX 5

### PREVENTION OF TERRORISM ACT 2005, SECTION 2

#### SCHEDULE

**THIS SCHEDULE SETS OUT THE OBLIGATIONS IMPOSED ON:**

**XXXXXX**

#### **OBLIGATIONS**

The following obligations form part of the Control Order and are imposed on you by virtue of section 1(3) of the Prevention of Terrorism Act 2005:

Upon service of the control order and thereafter for the duration of this control order:

- 1) You shall permit yourself to be fitted with and shall thereafter at all times wear an electronic monitoring tag (“the tag”). You must not damage or tamper with the tag, the tag monitoring equipment and/or the telephone provided by the monitoring company (including the associated line).
- 2.1) You shall reside at xxxx (“the residence”) and shall remain in the residence at all times save for a period of 14 hours between 07.00 and 21.00, or as specified in the directions given in writing referred to at obligation (5) below. “Residence” in the case of a flat, encompasses only that flat and, any private outside garden associated with it but, in particular, does not include any communal area either inside or outside to which any person not within the residence would have unrestricted access. “Residence”, in the case of a house, encompasses only the house and any private outside garden associated with it which can be assessed without passing through any communal area to which any person not within the residence would have unrestricted access.
- 2.2) In order to secure compliance with obligation (2.1) you shall comply with directions given in writing, by a police officer or other person authorised by the Secretary of State, relating to any occupancy rules associated with the residence.
- 3) Each day, you must report to the monitoring company (as notified to you) via the telephone provided by the monitoring company:
  - (i) on the first occasion you leave the residence after a curfew period has ended; and

- (ii) on the last occasion you return to it before a curfew period begins.

You are permitted to use this telephone only for the purposes of complying with this obligation or as directed by the Home Office.

- 4.1) You must permit entry to your residence and/or any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, to police officers and/or persons authorised by the Secretary of State and/or persons from the monitoring company, on production of identification, at any time to verify your presence at the residence and/or to ensure that you can comply and are complying with the obligations imposed by this control order. Such monitoring may include but is not limited to:
  - (a) a search of the residence and/or you whilst you are in the residence and/or a search of any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in;
  - (b) removal of any item to ensure that it does not breach the obligations imposed by this control order;
  - (c) inspection/modification or removal for inspection/modification of any article to ensure that it does not breach the obligations imposed by this control order;
  - (d) permitting the installation of such equipment, in the residence, as may be considered necessary to ensure compliance with the obligations imposed by this control order; and
  - (e) the taking of your photograph.
- 4.2) You must, within seven days of notification of the imposition of this obligation, identify to the Home Office any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, other than your residence as stated in obligation (2). If you subsequently obtain ownership, control, or any other interest in any building, land, vehicle or other place in the United Kingdom after the notification of the imposition of this obligation you must inform the Home Office of any such building, land, vehicle or other place within 3 days of your obtaining any such ownership, control or other interest.
- 5) In order to secure compliance with the obligations imposed by the control order, you shall comply with such other prohibitions or restrictions on your movement as may be required by directions given in writing at the time of service of the control order or a modification thereof by a police officer or other person authorised by



the Secretary of State. Such prohibitions or restrictions shall cease to be effective 24 hours after the giving of such directions, or on earlier direction.

- 6.1) Subject to (6.2) and (6.4) you shall not (whether directly or indirectly) use, have, acquire, keep (whether in or outside the residence), bring or permit into the residence the following without the prior approval of the Home Office:
- (a) any equipment capable of connecting to the internet;
  - (b) any components of computer/s;
  - (c) electronic data storage device/s;
  - (d) any fixed line and/or mobile telephone/s with the exception of one fixed telephone line in the residence and the dedicated line maintained by the monitoring company;
  - (e) SIM card/s;
  - (f) fax machine/s; and
  - (g) pager/s.
- 6.2) You may only permit your wife to bring only the following device(s) into your residence if the device(s) are switched off (where applicable) and not used at any time whilst you are in the residence and she agrees to make the device(s) available for inspection and submit the details specified for the purposes of obligation (6.3) below:
- (a) one mobile telephone that is not capable of connecting to the internet; and
  - (b) one SIM card.
- 6.3) In order to ensure your compliance with obligations (6.1) and (6.2), any of the devices/equipment referred to in obligations (6.1) and (6.2) must on request be delivered up to a person authorised by the Secretary of State for inspection (which may require removal) to ensure that it complies with the conditions in obligations (6.1) and (6.2). In addition you must provide the Secretary of State with the number, make and model of the device(s) (including any replacement items) specified under obligation (6.2) within 3 days of the notification of the imposition of this obligation or it first being permitted into your residence.
- 6.4) The prohibition against permitting the device(s) referred to at (6.1) does not apply to such device(s) belonging to police officers; employees of the electronic monitoring company; any person required to be given access to the property under the occupancy rules and/or for the maintenance of the water, electricity,

gas and/or telephone supply who are operating in their professional capacity; or members of the emergency services or healthcare or social work professionals who are operating in their professional capacity.

- 6.5) Subject to obligation (6.3) the prohibition against permitting mobile telephone(s) and SIM card(s) at (6.1)(d) and (6.1)(e) does not apply to such device(s) belonging to your legal representatives as notified to the Home Office, provided the device(s) are switched off (where applicable) and not used at any time whilst you are in the residence.
- 7.1) Subject to obligation (7.2) you may attend any mosque of your choosing, from those within xxxxx.
- 7.2) Before your first visit to any mosque that you wish to attend, you must obtain approval from the Home Office. The prior approval from the Home Office shall not be required for subsequent visits to that mosque.
- 8) You may not at any time leave the area marked on the attached map at Annex A (the width of the line itself is within the permitted area) without the consent of the Home Office. This area is bordered by xxxxxx.
- 9) You must notify the Home Office of any intended departure from the UK and notify it of the port of embarkation and disembarkation at least 24 hours prior to your intended departure time. You must also notify the Home Office if and when you intend to return to the UK at least 24 hours prior to your intended arrival time and report to the Home Office immediately upon arrival that you are or were subject to this control order. The requirement to report on arrival shall continue to apply whether or not this control order remains in force at the time of your return to the UK.
- 10) You shall not maintain or use more than one account (“account” includes accounts in which you have an interest or over which you have any element of control and includes debit, credit and store cards in which you have an interest or over which you have an element of control). Such an account must be held with a bank or other approved financial institution within the UK. The following information must be provided to a person authorised by the Secretary of State:
  - (a) details of a permitted account opened subsequent to the service of this control order within 2 days of its opening; and
  - (b) statements of the permitted account on a monthly basis, to be provided to the Home Office within 7 days of their receipt.

- 11) You shall not transfer any money, or arrange for others to transfer, any money, or send any documents or goods to a destination outside the UK (whether yourself or through an intermediary) without the prior agreement of the Home Office. For the purposes of this obligation, documents should not be taken to include personal letters written by you.
- 12) Within 24 hours of service of this order, you must:
  - (a) surrender any passport, identity card or any other travel document (other than any genuine passport issued by the xxxx authorities) to a police officer or person authorised by the Secretary of State; and
  - (b) notify the Home Office of any xxxxx passport you have in your possession or which is available for your use.

Furthermore, prior notification must be given to the Home Office before you may apply for or have in your possession any passport, identity card, travel document(s) or travel ticket which would enable you to travel outside the UK.

- 13.1) You are prohibited from entering or being present at any of the following:
  - (a) any airport or sea port; or
  - (b) any part of a railway station that provides access to an international rail service

without the prior permission of the Home Office.

- 13.2) For the avoidance of doubt, any part of an airport, seaport or railway station which provides access to an international rail service referred to in obligations (13.1) (a) and (b) includes but is not limited to:
  - (a) any car park;
  - (b) arrival / departure lounge;
  - (c) collection / drop off point; and/or
  - (d) any building or place

which is located at or for which the primary purpose is to serve an airport, seaport or railway station which provides access to an international rail service.

- 14.1) The Home Office has notified you in writing of areas of employment which are referred to in this obligation as “notified areas of employment”. You must not commence any employment in a notified area of employment unless and until:
  - (a) you have provided the Home Office with:

- (i) the name and address of your intended employer;
- (ii) the nature and location of your work; and
- (iii) if known, the date on which you expect the employment to commence; and

(b) you have received approval in writing from the Home Office for the new employment.

14.2) Where any approval referred to in obligation (14.1)(b) above is subject to conditions, you must comply with those conditions.

14.3) In relation to any new employment which is not in a “notified area of employment” that you have applied for or have commenced since the notification of the imposition of this obligation, you must provide the Home Office:

- (i) the name and address of your new or intended employer; and
- (ii) the nature and location of your work

within 7 days of your new employment commencing or, if earlier, within 7 days of your applying for the new employment.

15.1) You must not commence any training course or academic study course provided by a third party, unless and until:

(a) you have provided the Home Office with the following information at least 7 days prior to the commencement of the training course or academic study course:

- (i) the name and address of your training course provider or academic study course provider;
- (ii) the nature and location of your training course or academic study course;
- (iii) if known, the date on which you expect the training course or academic study course to commence; and

(b) you have received approval in writing from the Home Office for the training course or academic study course.

15.2) Where any approval referred to in obligation (15.1)(b) is subject to conditions, you must comply with these conditions.

## ANNEX 6

### PREVENTION OF TERRORISM ACT 2005, SECTION 2

#### SCHEDULE

**THIS SCHEDULE SETS OUT THE OBLIGATIONS IMPOSED ON:**

**XXXX**

#### **OBLIGATIONS**

The following obligations form part of the Control Order and are imposed on you by virtue of section 1(3) of the Prevention of Terrorism Act 2005:

Upon service of the control order and thereafter for the duration of this control order:

- 1) You shall reside at xxxx (“the residence”) and shall remain in the residence at all times save for a period of 12 hours between 7am and 7pm or as specified in the directions given in writing referred to at obligation (6) below. “Residence”, in the case of a flat, encompasses only that flat and any private outside garden associated with it but, in particular, does not include any communal area either inside or outside to which any person not within the residence would have unrestricted access. “Residence”, in the case of a house, encompasses only the house and any private outside garden associated with it which can be accessed without passing through any communal area to which any person not within the residence would have unrestricted access.
- 2) Each day, you must report to the monitoring company (as notified to you) via the telephone provided by the monitoring company:
  - (a) once between 12.00 and 13.00 each day; and
  - (b) once between 20.00 and 21.00 each day.

You are permitted to use this telephone only for the purposes of complying with this obligation or as directed by the Home Office.

- 3.1) Subject to obligation (3.3) below, you shall not permit any person to enter or remain in the residence while you are in the residence, save for:
  - (a) your wife and children;
  - (b) your nominated legal representative as notified to the Home Office;

- (c) members of the emergency services or healthcare or social work professionals who are operating in their professional capacity;
  - (d) any person aged 16 or under;
  - (e) any person required to be given access to the property under the occupancy rules and/or for the maintenance of the water, electricity, gas and/or telephone supply who are operating in their professional capacity; and
  - (f) any female person.
- 3.2) Individuals listed under obligation (14) may not enter the residence at any time.
- 3.3) You shall not permit any other individual to enter or remain in the residence while you are in the residence except with the prior agreement of the Home Office. In relation to those other individuals, you must supply the name, address, date of birth and photographic identity of the individual. The prior agreement of the Home Office shall not be required for subsequent visits by an agreed individual, but this does not prevent the Home Office withdrawing that agreement at any time and/or requiring the provision of further/updated photographic identity/photograph and/or details of visitors that have already been approved.
- 4) You shall not, outside of the residence:
- (a) meet any person by prior arrangement, other than:
    - (i) those persons referred to in 3(a) and (b) above, or
    - (ii) for health or welfare purposes at an establishment on a list provided to and agreed by the Home Office before your first visit; or
    - (iii) for academic or training purposes at an establishment notified and agreed by the Home Office before your first attendance;
  - (b) attend any pre-arranged meetings or gatherings (other than attending group prayers at a mosque),
- save with the prior agreement of the Home Office. For the avoidance of doubt, a meeting shall be deemed to take place outside of the residence if one or more parties to it are outside of the residence.
- 5.1) You must permit entry to your residence and/or any building, land, vehicle or other place in the United Kingdom that you own, control, or have any other interest in, to police officers and/or persons authorised by the Secretary of State and/or persons from the monitoring company, on production of identification, at any time to verify your presence at the residence and/or to ensure that you can comply and are

complying with the obligations imposed by this control order. Such monitoring may include but is not limited to:-

- (a) a search of the residence, and/or you whilst you are in the residence and/or a search of any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in;
- (b) removal of any item to ensure that it does not breach the obligations imposed by this control order;
- (c) inspection/modification or removal for inspection/modification of any article to ensure that it does not breach the obligations imposed by this control order;
- (d) permitting the installation of such equipment in the residence as may be considered necessary to ensure compliance with the obligations imposed by this control order; and
- (e) the taking of your photograph.

5.2) You must, within seven days of notification of the imposition of this obligation, identify to the Home Office any building, land, vehicle, or other place in the United Kingdom that you own, control, or have any other interest in, other than your residence as stated in obligation (1). If you subsequently obtain ownership, control, or any other interest in any building, land, vehicle or other place in the United Kingdom after the notification of the imposition of this obligation you must inform the Home Office of any such building, land, vehicle or other place within 3 days of your obtaining any such ownership, control or other interest.

6) In order to secure compliance with the obligations imposed by the control order, you shall comply with such other prohibitions or restrictions on your movement as may be required by directions given in writing at the time of service of the control order or a modification thereof by a police officer or other person authorised by the Secretary of State. Such prohibitions or restrictions shall cease to be effective 24 hours after the giving of the directions, or on earlier direction.

7.1) Subject to obligation (7.2), you shall not (whether directly or indirectly) use, have, acquire or keep (whether in or outside the residence) or bring or permit into the residence the following:

- (a) any equipment capable of connecting to the internet;

- (b) any computer/s or component/s thereof with the exception of one desktop computer in the residence which must not be capable of connecting to the internet;
- (c) electronic storage device/s;
- (d) any fixed line and/or mobile telephone/s with the exception of one fixed telephone line in the residence and the dedicated line maintained by the monitoring company;
- (e) SIM card/s;
- (f) fax machine/s; and
- (g) pager/s.

7.2) You may permit a third party to bring the following device(s) into your residence whilst you are in the residence if the device(s) are switched off (where applicable) and not used at any time whilst you are in the residence and the third party agrees to make the device(s) available for inspection for the purposes of obligation (7.3) below:

- (a) mobile telephone/s;
- (b) electronic storage device/s;
- (c) laptop/s;
- (d) handheld computer/s;
- (e) personal digital assistant/s (PDA/s);
- (f) SIM card/s
- (g) portable gaming device/s; and
- (h) pager/s.

7.3) In order to ensure your compliance with obligations (7.1) and (7.2), any of the devices / equipment referred to in obligations (7.1) and (7.2) must on request be delivered up to a person authorised by the Secretary of State for inspection (which may require removal) to ensure that it complies with the conditions in obligations (7.1) and (7.2).

8) You must notify the Home Office of any intended departure from the UK and notify it of the port of embarkation and disembarkation at least 24 hours prior to your intended departure time. You must also notify the Home Office if and when you intend to return to the UK at least 24 hours prior to your intended arrival time and



report to the Home Office immediately upon arrival that you are or were subject to this control order. The requirement to report on arrival shall continue to apply whether or not this control order remains in force at the time of your return to the UK.

- 9.1) You are prohibited from entering or being present at any of the following:
- (a) any airport or sea port; or
  - (b) any part of a railway station that provides access to an international rail service without prior permission from the Home Office.

- 9.2) For the avoidance of doubt, any part of an airport, seaport or railway station which provides access to an international rail service referred to in obligations (9.1) (a) and (b) includes but is not limited to:

- (a) any car park;
- (b) arrival/departure lounge;
- (c) collection/drop off point; and/or
- (d) any building or place

which is located at or for which the primary purpose is to serve an airport, seaport or railway station which provides access to an international rail service.

- 10) You shall not maintain or use more than one account (“account” includes accounts in which you have an interest or over which you have an element of control and includes debit, credit and store cards in which you have an interest or over which you have an element of control). Such account must be held with a bank or other approved financial institution within the UK. The following information must be provided to the Secretary of State:

- (a) details of all accounts held at the time of service of this control order, including any bank account in which you have an interest, or over which you have any element of control, within 2 days of such service;
- (b) closing statements relating to any accounts additional to the one permitted account, within 14 days of service of this control order;
- (c) details of a permitted account opened subsequent to the service of this control order, within 2 days of its opening; and
- (d) statements of the permitted account on a monthly basis, to be provided within 7 days of their receipt.

- 11) You shall not transfer any money, or arrange for others to transfer, any money, or send any documents or goods to a destination outside the UK (whether yourself or through an intermediary) without the prior agreement of the Home Office. For the purposes of this obligation, documents should not be taken to include personal letters written by you.
- 12.1) The Home Office has notified you in writing of areas of employment which are referred to in this obligation as “notified areas of employment”. You must not commence any employment in a notified area of employment unless and until:
- (a) you have provided the Home Office with:
    - (i) the name and address of your intended employer;
    - (ii) the nature and location of your work; and
    - (iii) if known, the date on which you expect the employment to commence; and
  - (b) you have received approval in writing from the Home Office for the new employment.
- 12.2) Where any approval referred to in obligation (12.1)(b) above is subject to conditions, you must comply with those conditions.
- 12.3) In relation to any new employment which is not in a “notified area of employment” that you have applied for or have commenced since the notification of the imposition of this obligation, you must provide the Home Office with:
- (i) the name and address of your new or intended employer; and
  - (ii) the nature and location of your work
- within 7 days of your new employment commencing or, if earlier, within 7 days of your applying for the new employment
- 13) Prior notification must be given to the Home Office before you may apply for or have in your possession any passport, identity card, travel document(s) or travel ticket which would enable you to travel outside the UK.
- 14) You shall not associate or be party to any communications from or with, directly or indirectly, at any time or in any way with the following individuals:
- XXXXXX
- XXXXXX

ISBN 978-0-10-850814-1



9 780108 508141