



BLACKSTONE'S GUIDE TO
**The Anti-Terrorism
Legislation**

Third Edition

CLIVE WALKER

Includes a copy of the Act

Tracking suspected terrorists

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Tracking suspected terrorists



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Agenda

- ➔ Background
- ➔ TPIMs system
- ➔ Tracking and monitoring
- ➔ Reflections



Background: Importance

- ⇒ Not quantitative: 52 control orders; 16 TPIMs
- ⇒ But qualitative

Background: Importance

- ⇒ Emblem of risk reduction/management
- ⇒ Serious threat: National Security Strategy and Strategic Defence and Security Review 2015 (Cm.9161, London, 2015)
- ⇒ Depth of review: Home Office; IRTL; Parliament; courts



System of TPIMs: History

- ⇒ **Anti-terrorism, Crime and Security Act 2001**: detention without trial of foreign asylum-seekers ended by *A v Secretary of State for the Home Department* [2004] UKHL 56

Control orders: Prevention of Terrorism Act 2005

‘Control order’ - 'an order against an individual that imposes obligations on him for purposes connected with protecting members of the public from a risk of terrorism' (PTA section 1(1)).

‘Obligations’ - 'necessary for purposes connected with preventing or restricting involvement by that individual in terrorism-related activity' (PTA (section 1(3)))

TPIM Act 2011: Background

- ⇒ Lord Macdonald, Review of Counter Terrorism and Security Powers (Cm 8003, London, 2011) and see Cm 8004
- ⇒ Theresa May: “we must [...] correct the imbalance that has developed between the State's security powers and civil liberties, restoring those liberties wherever possible and focusing those powers where necessary.”



TPIM Act 2011: Overview

- ⇒ 12 types of obligations (now 13)
- ⇒ Overnight residence measures – no relocation and curfew only ‘overnight’
- ⇒ Application under s.3, court hearings ss.6, 9
- ⇒ Two year limit

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Tracking & monitoring

Prevention of Terrorism Act 2005, section 1(4)(n): ‘a requirement on him to co-operate with specified arrangements for enabling his movements, communications or other activities to be monitored by electronic or other means’.

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Tracking & monitoring

TPIM Act 2001, schedule 1, para.12 - 'Monitoring measure': '(1) requirements for the individual to co-operate with specified arrangements for enabling the individual's movements, communications or other activities to be monitored by electronic or other means.'

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Practical problems

- ➔ Remove the tag, evade detection, and even escape the country
- ➔ examples

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Practical problems

Counter Terrorism & Security Act 2015

- ➔ **Section 16: relocation**
- ➔ **Section 20(2): TRA**
- ➔ **Section 20(1): Balance of probabilities**
- ➔ **Section 17: penalties**

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Problems of normative principle

Court review

⇒ *AP* [2010]

⇒ *GG* [2016]

⇒ *DD* [2014] and 2015

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Reflections

- #1: attachment to Monitoring Measures – 6 TPIMs vs 162 convicts
- Surveillance = £18m vs £1.8m
- Electronic monitoring = £31,950 in 2010-11

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Reflections

- ➡ #2: Movement Monitoring is not a Panopticon
- ➡ #3 most TPIMs have withstood most critics and challengers

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Reflections

⇒ #4: FTFs: TPIM-lite?

⇒ #5: Technological advances:
Investigatory Powers Act 2016;
phones, wifi

“Welcome to the TPIM society?”