



HOUSE OF LORDS

Library Note

Terrorism Prevention and Investigation Measures Bill (HL Bill 91 of 2010–12)

The Terrorism Prevention and Investigation Measures Bill abolishes the current regime of control orders, introduced under the Prevention of Terrorism Act 2005, and replaces it with new Terrorism Prevention and Investigation Measures (TPIMs). Like control orders, TPIMs are measures designed to restrict the behaviour and activities of individuals suspected of involvement in terrorism, who, the Government argues, cannot be prosecuted or deported.

This Note summarises proceedings on the Bill at report stage and third reading in the House of Commons, and is intended to be read in conjunction with House of Commons Library Research Papers [11/46](#), [11/62](#) and Standard Note [SN/HA/6060](#).

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1. Introduction

The Terrorism Prevention and Investigation Measures Bill abolishes the current regime of control orders, introduced under the Prevention of Terrorism Act 2005, and replaces it with new Terrorism Prevention and Investigation Measures (TPIMs). Like control orders, TPIMs are measures designed to restrict the behaviour and activities of individuals suspected of involvement in terrorism, who, the Government argues, cannot be prosecuted or deported.

The Bill has completed its passage through the House of Commons and is due to have its second reading in the House of Lords on 5 October 2011. Commons Library Research Papers [11/46](#), [11/62](#) and Standard Note [SN/HA/6060](#) provide background information on the Bill, summarise proceedings on the Bill in the Commons at second reading and committee stage, and give details of the related draft Enhanced Terrorism Prevention and Investigation Measures Bill. This Library Note therefore provides a summary of proceedings during the Bill's final stages in the House of Commons. The House of Lords Select Committee on the Constitution has issued a report on the Bill (15 September 2011, session 2010–12, [HL Paper 198](#)).

A detailed comparison of the powers and measures available under the control orders and TPIMs regimes is provided in the [Explanatory Notes](#) accompanying the Bill, and in the House of Commons Library Research Papers cited above. However, the key distinctions between the two regimes may be summarised as follows:

- A **higher threshold** is required for the imposition of a TPIMs notice (reasonable belief that the individual is or has been involved in terrorism related activity) than exists in relation to control orders (reasonable suspicion of involvement in such activity). The conditions which must be met before a TPIMs notice can be imposed ('Conditions A–E') are set out in Clause 3 of the Bill.
- The TPIMs regime provides for **more tightly prescribed powers** than control orders. The Prevention of Terrorism Act 2005 provided a non-exhaustive list of the measures that can be imposed under control orders, enabling the Secretary of State to impose further obligations considered necessary to prevent or restrict an individual's involvement in terrorism-related activity. In contrast the measures available under the TPIMs regime will be only those defined in Schedule 1 of the Terrorism Prevention and Investigation Measures Bill.
- Unlike control orders, the measures outlined under the TPIMs regime do not include a power of **relocation** to another part of the country without consent.
- With TPIMs, the 16 hour curfew under control orders will be replaced by an '**overnight residence measure**'.¹
- A **two year limit** on TPIMs measures will be imposed when there is no new terrorism-related activity on the part of the individual involved.

¹ The term 'overnight' is not defined in the Bill. However, as stated in the Explanatory Notes, as a matter of public law the period would need to fall between the hours which a reasonable person would consider 'overnight', in contrast with the current position where 16 hour curfews have been permitted (House of Commons Library Research Paper [11/46](#), p 12).

Currently control orders only remain in force for 12 months, but can be renewed indefinitely.

- Unlike control orders, TPIMs will **not be subject to annual renewal** in Parliament (although, as discussed below, an amendment was successfully moved by the Government at report stage to implement a review of the TPIMs regime every five years).

1.1 Sanctions Available under the TPIMs Regime

The measures currently provided to the Secretary of State by Schedule 1 of the Bill include the following:

- **Overnight residence measures**—requiring that an individual must remain in a specified property ‘overnight’. Normally this would be in the individual’s own residence. However in the absence of such the premises would be situated in an ‘appropriate’ or ‘agreed’ locality.²
- **Travel measures**—restrictions on an individual’s ability to leave a specified area³, which may include surrendering their passport or other travel documents.
- **Exclusion measures**—restrictions on individuals entering specified areas or places, or those of a specified description.
- **Movement direction measures**—requiring an individual to comply with police directions in relation to their movements.
- **Financial services measures**—restrictions on an individual’s use of, or access to, specified financial services.
- **Property measures**—restrictions in regard to an individual’s transfer or disclosure of property.
- **Electronic communication device measures**—restrictions on an individual’s possession or use of electronic devices. The Bill also provides however that an individual subject to a TPIMs notice *must* be provided with access to a fixed line telephone, a computer with internet access, and mobile phone, subject to monitoring and certain restrictions.

² These locations are determined according to a number of conditions, and in accordance with the Government’s intention to remove powers of relocation or ‘internal exile’ present in control orders, as explained in House of Commons Library Research Paper [11/46](#):

[An appropriate locality] is defined as a locality in which the individual has a residence, or one where the individual has “a connection”. However, if the individual has neither such residence nor such a connection then it could be defined as “any locality that appears to the Secretary of State to be appropriate”. A TPIMs notice could require an individual to live in accommodation provided by the Secretary of State. The Explanatory Notes state that these provisions implement the promise in the counter-terrorism review that it should not be possible to relocate an individual to another part of the country without that individual’s consent (sometimes referred to as internal exile). (p 12)

³ Such specified areas may be one of the following: a) the United Kingdom, b) Great Britain, if the individual’s place of residence is Great Britain or c) Northern Ireland, again if that is the individual’s place of residence.

- **Association measures**—restrictions on the people or types of people that an individual subject to a TPIMs notice may associate or communicate with.
- **Work or studies measures**—requiring individuals to submit to restrictions on their work or studies.
- **Reporting measures**—requiring individuals to report to a police station in a manner and frequency determined.
- **Photograph measures**—requiring individuals to allow themselves to be photographed in a manner determined.
- **Monitoring measures**—requiring an individual to submit to monitoring requirements, possibly including an electronic tag.

Alongside and to complement the TPIMs powers listed above, the Government has also announced that the police and Security Service will receive additional resources for the surveillance of terrorism suspects.⁴

1.2 Court Scrutiny, Closed Hearings and Special Advocates

The Terrorism Prevention and Investigation Measures Bill provides that before any measures or sanctions can be imposed on an individual, the Secretary of State would have to seek the permission of the court, unless it was considered a “case of urgency”. In cases of emergency the notice would still have to be referred to the court for confirmation within seven days.

As with control orders, the use of closed hearings will be retained under the TPIMs regime. In such cases evidence will be withheld from the individual under suspicion and their lawyer because it has been judged that the disclosure of that evidence would be contrary to the public interest. A special advocate would be appointed to act in the interests of that individual in closed proceedings. Again, these issues are explored in detail, including rulings by the House of Lords and European Court of Human Rights on the use of closed proceedings, in the House of Commons Library Papers cited above.

1.3 Draft Enhanced Terrorism Prevention and Investigation Measures Bill

The Government’s Counter-Terrorism Review—published in January 2011 and which foreshadowed the introduction of the TPIMs Bill—also concluded that in future there could be “exceptional circumstances” where it would be necessary for the Government to seek parliamentary approval for additional restrictive measures to those contained within the current legislation.⁵ Following calls to identify such measures and to allow them to be subject to scrutiny, notably from the Parliamentary Joint Committee on Human Rights, on 1 September 2011 the Government published the Draft Enhanced Terrorism Prevention and Investigation Measures Bill.

The draft Bill would provide powers for the Home Secretary to impose “enhanced TPIMs notices”. The powers available under such enhanced notices would include relocation without consent, and a ban on using communication devices. The threshold required for

⁴ Home Office, *Review of Counter-Terrorism and Security Powers: Review Findings and Recommendations*, 26 January 2011, [Cm 8004](#).

⁵ Home Office, *Review of Counter-Terrorism and Security Powers: Review Findings and Recommendations*, 26 January 2011, [Cm 8004](#), p 43.

the imposition of an enhanced TPIMs notice is higher than that under the standard TPIMs regime, dictating that the Secretary of State must be satisfied ‘on the balance of probabilities that the individual is or has been involved in terrorism-related activity’.⁶ The Government envisages that the enhanced TPIMs Bill would exist in draft form thus allowing it to be subject to pre-legislative scrutiny. However (barring temporary measures which could be imposed in specific periods⁷) Parliament would be required to debate and vote on such measures before they came into force. Parliament would therefore be required to determine whether the circumstances at that time merited such ‘enhanced’ provisions.

The publication of the draft Bill led to considerable debate of the powers contained within it at report stage of the current TPIMs Bill, including under what conditions such enhanced measures could and should be introduced, as explored below.

2. Commons Report Stage of the Terrorism Prevention and Investigation Measures Bill

2.1 Expiry and Renewal of the Bill/Timing of Commencement

Opening the debate at report stage, the Parliamentary Under-Secretary of State at the Home Office, James Brokenshire, moved New Clauses 3 and 4 which would impose a partial sunset clause on the Secretary of State’s TPIMs powers, dictating that they would expire five years after the Act is passed unless renewed by the Secretary of State.⁸ The New Clauses also provide for an order-making power to repeal the powers at any time, or to revive them when they had been allowed to expire without their having been renewed.⁹ Opposition New Clause 7 was also considered, which would have the effect of requiring annual renewal of the TPIMs measures, much as currently exists with the control orders regime. The Opposition also moved amendments 8 and 20 which would determine when respective parts of the Bill, should it receive Royal Assent, would come into force.

Introducing the Government New Clauses, Mr Brokenshire said that the Government had reflected on comments which had been made at committee stage, and had decided that it was appropriate to add a statutory requirement to regularly review the need for the legislation and to give each new Parliament the opportunity to debate it in the context of the time. It was the Government’s view that such a requirement would strike a more appropriate balance than seeking to review the TPIMs regime every year as Opposition New Clause 7 would provide. Mr Brokenshire suggested that a five year review as proposed in the Government New Clauses would allow for full parliamentary scrutiny of the measures, rather than control orders legislation which was annually “pushed through with little opportunity for debate”.¹⁰

Turning to the Opposition amendments regarding the commencement of the Bill, Mr Brokenshire said he was aware of suggestions that the police and Security Service would not be ready to implement the new TPIMs system when the Bill is expected to receive Royal Assent, because additional investigative resources that will complement

⁶ Home Office, Memorandum to the JCHR: Draft Enhanced Terrorism Prevention and Investigation Measures Bill, paragraph 4.

⁷ Either when Parliament is dissolved, or in the period between the appointment of a new Parliament and the first Queen’s Speech.

⁸ The Secretary of State would be given the power to do so under the affirmative resolution procedure.

⁹ According to the conditions defined in paragraph 2 of New Clause 3.

¹⁰ HC *Hansard*, 5 September 2011, [col 54](#).

the new system would not be in place. However, the Government completely refuted such suggestions. Intervening from the Opposition Benches, Hazel Blears MP raised the evidence of Deputy Assistant Commissioner Osborne to the Public Bill Committee, testimony which was drawn upon frequently by the Opposition during the course of the debate, regarding the readiness of those involved to implement the new system:

To get the resources that we anticipate we need will take more than a year, in terms of getting people trained and to get the right equipment. Until we have got that, we will not be able to start to bed things in and see how it works and how it transpires.¹¹

Mr Brokenshire acknowledged Mr Osborne's evidence, but said that the Metropolitan Police had confirmed to him and to the Government that arrangements will be in place to properly manage the transition from control orders to TPIMs notices when they become effective. Similarly he said that the Security Service had developed detailed plans for its additional resource allocation over the next four years, which it too is implementing. In response to an intervention from the Opposition Spokesperson Shabina Mahmood MP regarding the length of time taken to train new surveillance officers referred to by DAC Osborne, Mr Brokenshire added that the additional resources provided by the Government were not simply about providing additional human surveillance capability, but to enhance the deployment of a range of covert investigative techniques, including human and technical surveillance.

Shadow Minister Shabina Mahmood then formally moved the Opposition amendments, using her remarks to suggest that the powers of annual renewal contained in those provisions were of both practical and symbolic importance, enabling Parliament to take a decision every year on whether the measures were necessary and appropriate. It was the Opposition's view that such annual renewal was even more vital in the wake of the publication of the draft enhanced powers Bill and concerns regarding whether the police and Security Service would indeed be in a position to implement the TPIMs regime according to the current timetable.

Ms Mahmood drew further upon these concerns in speaking to amendments 8 and 20. Amendment 8 would provide that the TPIMs regime would not come into force until 1 January 2013, while amendment 20 in contrast would require that the TPIMs regime would not come into force until agreement was achieved between the National Terrorism Co-ordinator and Home Secretary on the additional resources required and those resources were agreed to be in place. Ms Mahmood argued that the imposition of such safeguards was both necessary and appropriate, particularly in the light of the testimony that the Committee had received from DAC Osborne and others. In response to Mr Brokenshire's earlier remark regarding additional human surveillance resources, Ms Mahmood also pointed out that DAC Osborne had not merely been referring to human resources in his remarks. He did in fact also refer to hardware, software and money resources in his suggestion that it would take more than a year for such preparations to be made. Ms Mahmood called upon the Government to provide a written explanation of the assurances that the Minister had received from the Metropolitan Police regarding their readiness to implement the new measures if such an assertion was incorrect, with a full breakdown of the types of resources involved.¹² It was the view of the Opposition that the control orders regime should remain until it was absolutely

¹¹ Official Report, Terrorism Prevention and Investigation Measures Public Bill Committee, 21 June 2011, [col 9, Q27](#).

¹² A number of other Opposition backbench MPs including Keith Vaz and Hazel Blears echoed such calls during the debate.

clear that the new resources to complement the TPIMs regime were ready to be deployed.

Speaking for the Liberal Democrats, Dr Julian Huppert MP welcomed the addition of a five year sunset clause into the Bill. He added that though he would welcome a thorough annual review of the proposals, he did not believe such a comprehensive review currently occurred with control orders, and thus holding such a review every five years was regrettably preferable to a token yearly examination. In contrast, Mark Durkan MP (SDLP) and Caroline Lucas MP (Green Party) both stated their support for annual review.

Ms Mahmood did not press Opposition New Clause 7 to a vote. Government New Clauses 3 and 4 and associated amendments were added to the Bill without division. At the end of report stage the House subsequently divided on amendment 20, which was defeated by 311 votes to 210.

2.2 Enhanced TPIMs Provisions

At the next stage of debate, the Minister James Brokenshire moved New Clauses 5 and 6 (and associated amendments) which would introduce provisions relating to the enhanced TPIMs measures into the original Bill. Such amendments would provide the Secretary of State with the power to employ, if deemed necessary by reasons of urgency, enhanced TPIMs measures on a temporary basis during two specific periods: when Parliament was dissolved, or in the period between the appointment of a new Parliament and the first Queen's Speech. Such a temporary order would remain in force for a maximum period of 90 days, and would be required to be laid before Parliament as soon as practicable. Opposition amendments 1 to 4 regarding placing further enhanced TPIMs provisions into the current Bill were debated at the same time.

Mr Brokenshire stated that, while it hoped never to have to use them, the Government had made it clear that there may be circumstances in the future which required the introduction of additional and more restrictive measures than those contained in the Bill, as recommended in the Counter-Terrorism Review. Speaking directly to the provisions contained within the New Clauses, Mr Brokenshire said that they were a recognition on the part of the Government that though Parliament could be recalled during a recess to debate such enhanced powers, it was necessary within the current Bill to provide for the periods outlined above. The temporary provisions would only be available to the Secretary of State during such periods.

Responding to a question from Hazel Blears on why the enhanced powers were not included in the original Bill, Mr Brokenshire stated that it was the Government's view that such measures should not be on the statute book as a matter of course. Instead, given the stringent and restrictive nature of the enhanced powers it was appropriate to hold them in reserve and allow Parliament to determine whether circumstances were "so exceptional" as to require and merit such emergency powers.¹³ In response to a further question from Ms Blears about what circumstances might merit such 'exceptional' measures, Mr Brokenshire replied that he was "not prepared to second guess the circumstances in which the draft Bill and those provisions might be required."¹⁴ He added that it was the Government's view that the TPIMs regime in its entirety—the standard TPIMs regime and the additional resources supplied to support it—was "sufficient to manage the threats we face".¹⁵ Responding to a question from Mark Durkan regarding

¹³ HC *Hansard*, 5 September 2011, [col 91](#).

¹⁴ *Ibid*, [col 92](#).

¹⁵ *Ibid*, [col 93](#).

whether Parliament debating such enhanced measures may prejudice criminal proceedings, particularly if such debate were to be initiated by specific cases or incidents involving known individuals, Mr Brokenshire said that the emergency legislation dealt “with principles and not with individuals”.¹⁶

Mr Brokenshire then turned to amendments 1 to 4. Amendments 1 to 3 would provide the Secretary of State with the authority to introduce additional restrictions to impose as part of a TPIMs notice such as those contained within the draft enhanced Bill. Amendment 1 would in effect insert such provision directly into the current Bill, while Amendments 2 to 3 would provide the Secretary of State with an order making power to add further provisions to schedule 1. Both Amendments 2 and 3 would require parliamentary approval, either in advance (amendment 2) or retrospectively (amendment 3).¹⁷ Mr Brokenshire reiterated that such powers should not be on the statute book, or available at all times through an order-making power, but contained in draft emergency legislation introduced only if required. Therefore the Government would not support such amendments.

Paul Goggins MP (Labour) then spoke to amendments 1 to 4 and in favour of Government New Clauses 5 and 6. Mr Goggins suggested that he was in favour of the enhanced TPIMs provisions, but believed they should be included on the face of the current Bill. Highlighting the conclusion of the Joint Committee report which stated that using emergency legislation in a similar way to that outlined by the Government in relation to pre-charge detention would be “unsatisfactory and unreliable”¹⁸, Mr Goggins added that such an approach gave rise in his view to three critical concerns: the ambiguity and wide variation possible in the threshold to trigger such emergency legislation; the possibility that the passage of such legislation could face severe difficulty if intelligence information could not be shared and thus little known about the circumstances in which the Government was seeking to bring it forward; and issues of practicality if the Secretary of State decided that such powers were necessary in recess, presumably according to some kind of urgent need, but which in turn would require a recall of Parliament and at least a week before such a Bill could receive Royal Assent and such powers be available. Mr Goggins concluded by stating his belief that the Bill as drafted placed the Secretary of State in the worst of positions: aware that enhanced powers were necessary in certain circumstances, but unable to exercise such powers in a way that was timely and effective.

Dr Julian Huppert (Liberal Democrat) then rose to speak in favour of the Government’s approach not to place enhanced measures on the statute book, but also to seek further clarification on what type of emergency would be sufficient to trigger consideration of the draft enhanced powers Bill. Pat McFadden MP (Labour) in contrast suggested that the draft Bill in his view was an attempt by the Government to “take out an insurance policy” against the failure of the TPIMs regime. He added that in his view the decision not to include such enhanced measures in the original Bill was the result of flawed analysis of the current situation and a misguided belief that civil liberties had been unacceptably compromised by the existing control order regime.¹⁹

¹⁶ HC *Hansard*, 5 September 2011, [col 94](#).

¹⁷ Amendment 4 would have provided the Secretary of State with such powers during dissolution and between the appointment of a new Parliament and the first Queen’s Speech, and thus was effectively negated by Government New Clause 5.

¹⁸ Joint Committee on the Draft Detention of Terrorist Suspects (Temporary Extension) Bills, First Report, *Draft Detention of Terrorist Suspects (Temporary Extension) Bills*, 23 June 2011, session 2010–12, [HL Paper 161](#), [HC Paper 893](#).

¹⁹ HC *Hansard*, 5 September 2011, [col 102](#).

Speaking for the Opposition, Shabina Mahmood MP outlined her support for the Government New Clauses, but raised a number of objections with regard to the Government's approach. Echoing the sentiments expressed by Paul Goggins, Ms Mahmood expressed doubt that a viable and fully informed debate on the enhanced powers contained within the draft Bill could be held on the floor of the House, given the nature of the information and types of case involved, particularly when the TPIMs regime itself makes provision for closed court hearings so that decisions can be taken on the basis of intelligence which cannot be shared openly. Ms Mahmood also highlighted what she called the "unacceptable degree of risk" involved in introducing and passing the draft legislation quickly if Parliament was in recess, particularly given the fast-moving nature of counter-terrorism investigations.²⁰ Ms Mahmood further argued that the presence of such draft legislation meant that the Government could not claim to have principled objection to the control orders regime, and that in her view such powers had "always been emergency measures" and were either needed or not.²¹

In his closing remarks, Mr Brokenshire reiterated the Government's view that it was appropriate to make enhanced provisions in this way and not to have such enhanced powers available routinely. With regard to the circumstances which might trigger the consideration of such powers, he again said that it would be wrong to predict such circumstances. However he also added:

I am not prepared to second-guess future developments in the threat picture, and the circumstances might be hard to predict. However, credible reporting could point to a series of concurrent attack plots, all of which appear imminent, or it might apply in the wake of a major terrorist attack when there is the prospect of further attacks to follow. Parliament will need to approve the emergency legislation for it to come into force. Ultimately, therefore, it would be for Parliament to determine whether the circumstances are exceptional in that way.²²

Mr Brokenshire added that comprehensive judicial oversight of standard TPIMs notices will also apply to the enhanced measures, including the requirement for court permission before granting such measures.

Government New Clauses 5 and 6 were subsequently added to the Bill without division. Amendments 1 to 4 were withdrawn.

2.3 Powers of Relocation

Hazel Blears (Labour) moved New Clause 1 which (alongside New Clause 2) would have the effect of introducing powers of relocation into the Bill as currently exist in the control orders regime. Under such provisions a Secretary of State would have the authority to impose a requirement of relocation on an individual if a reasonable belief existed that they would engage in terrorism-related activity if they were to remain in their current location.

Introducing the amendments, Ms Blears said the omission of such relocation powers from the current Bill was "fundamentally flawed" given the dangerous nature of the types of individual currently subject to control orders and their commitment to participate in terrorist acts. She highlighted the case of one such individual, 'CD', where a judge decided that the relocation condition was "absolutely appropriate in controlling CD's

²⁰ HC *Hansard*, 5 September 2011, [col 103](#).

²¹ *Ibid.*, [col 104](#).

²² *Ibid.*, [cols 105–6](#).

activities”.²³ Ms Blears added that the Home Secretary herself had recently successfully challenged two relocation appeals, thus endorsing the powers of relocation in those cases. Ms Blears drew attention again to the evidence provided by DAC Osborne to the Public Bill Committee, who stated that the power of relocation was “probably the most effective” measure contained within the current control orders regime.²⁴

Tom Brake MP then rose from the Liberal Democrat Front Bench to oppose the New Clauses, highlighting the experiences of those who had their control orders quashed because it was found there was insufficient evidence against them, and yet who had their liberty and freedoms significantly curtailed as a result of the order. Mr Brake said that at the heart of the debate was the balance between civil liberties and security, and that powers of relocation or internal exile did not adhere to such balance.

Speaking for the Opposition, Shabina Mahmood voiced her support for the New Clauses, suggesting that it was clear from the evidence that relocation powers have proven to be extremely useful in disrupting terrorist activity. Echoing the point made by Ms Blears, Ms Mahmood also said that such powers were regularly described as the most useful and effective powers present under the control orders regime, highlighting that, of the 12 current control orders, 9 have included the exercise of relocation measures.

Responding for the Government, the Minister James Brokenshire said that it was their view that it should not routinely be possible under the TPIMs system to require an individual to relocate, without consent, to another part of the UK. Speaking again to the balance between civil liberties and security, it was the Government’s conclusion that “a more focused use” of the restrictions available under the Bill, together with increased resources available for covert investigation, allowed the public to be protected effectively without the need for these potentially intrusive powers to be routinely available.

The House subsequently divided on New Clause 1, which was defeated by 314 votes to 213.

3. Commons Third Reading

Minister James Brokenshire MP opened the debate at third reading by reiterating that it was the considered conclusion of the Government, following the Counter-Terrorism Review, that the measures contained within the Bill were appropriate and necessary to deal with those individuals who present a serious risk and who cannot be prosecuted or deported. Mr Brokenshire also refuted suggestions that the Government was trying to add more stringent powers “through the back door” in the form of the draft enhanced powers Bill. Instead he again highlighted that it was the conclusion of the Counter-Terrorism Review that such enhanced powers may be needed at some point in the future, and the draft Bill was a response to that need. Mr Brokenshire said this was the right, robust and fair approach, and the measures contained within the Bill under consideration struck the appropriate balance between the need to ensure security and maintain civil liberties.

Speaking for the Opposition, the Shadow Home Secretary Yvette Cooper said that she did not share this assessment. She said that control orders were not desirable, but necessary, and it was the view of the Opposition that the TPIMs regime weakens counter-terrorism in important ways. These included in her view the weakening of scrutiny in the absence of annual review, and the creation of “a shambolic legislative process and legal framework that will make it harder, not easier, for the police and

²³ Ibid, [cols 111–12](#).

²⁴ Ibid, [col 113](#).

security services to do their job”.²⁵ Ms Cooper also criticised the lack of powers of relocation in the Bill, and again highlighted the potential problems of the additional resources being pledged by the Government not being sufficiently developed at the time of the scheduled introduction of the TPIMs regime. With regard to the draft enhanced TPIMs Bill, Ms Cooper argued that it was wrong to legislate in this way, particularly when the Government was unable to state what kind of circumstances might require the introduction of such measures.

Dr Julian Huppert MP, speaking for the Liberal Democrats, echoed concerns that the Bill provided for executive power to be used outside the legal system, but said that TPIMs were nonetheless an improvement on the control orders regime which had gone before and were a step towards redressing the balance in favour of civil liberties.

The House then divided, and the Bill was given a third reading by 297 votes to 221.

²⁵ HC *Hansard*, 5 September 2011, [col 134](#).

