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|---|---|--|--|
| <b>Title: Counter-Terrorism and Security Bill - Terrorism Prevention and Investigation Measures</b><br><br><b>IA No: HO0146</b><br><br><b>Lead department or agency: Home Office</b><br><br><b>Other departments or agencies:</b> | <b>Impact Assessment (IA)</b>               |  |  |
|   | <b>Date:</b> 18/11/2014                     |  |  |
|   | <b>Stage:</b> Final                         |  |  |
|   | <b>Source of intervention:</b> Domestic     |  |  |
|   | <b>Type of measure:</b> Primary legislation |  |  |
| <b>Contact for enquiries:</b><br><a href="mailto:CTSBill@homeoffice.x.gsi.gov.uk">CTSBill@homeoffice.x.gsi.gov.uk</a>   |   |  |  |

|  |                         |
|--|-------------------------|
| <b>Summary: Intervention and Options</b> | <b>RPC Opinion: N/A</b> |
|--|-------------------------|

**Cost of Preferred (or more likely) Option**

| Total Net Present Value | Business Net Present Value | Net cost to business per year (EANCB on 2009 prices) | In scope of One-In, Two-Out? | Measure qualifies as |
|-------------------------|----------------------------|--|------------------------------|----------------------|
| £-6.9m                  | £0m                        | £0m  | No                           | N/A                  |

**What is the problem under consideration? Why is government intervention necessary?**  
 On 29 August the Joint Terrorism Analysis Centre raised the UK threat level from SUBSTANTIAL to SEVERE meaning that a terrorist attack is 'highly likely'.

There is a need to legislate to deal with the increased terrorist threat. When it is not possible to prosecute or deport individuals, Terrorism Prevention and Investigation Measures (TPIMs) give the Security Services and police powerful measures to help manage the risk these individuals pose. TPIMs can be used to disrupt individuals with past or present involvement in terrorist related activity. The Police and Security Services have confirmed that additional powers would help manage the risk these individuals may pose.

**What are the policy objectives and the intended effects?**

- a) Strengthen powers to disrupt people with a track record of involvement in terrorist related activity who we are unable to prosecute or deport.
- b) Reduce the risk of abscond from a TPIM.
- c) Increase TPIM subjects' opportunities to move away from terrorism related activity.
- d) Balance protection of national security with individual civil liberties.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Option 1 - make no changes.

Option 2 - amend the TPIM Act to:

- a) amend the definition of terrorism and raise the threshold for imposing a TPIM notice;
- b) strengthen the measures available to disrupt terrorism-related activity; and
- c) increase the length of sentence for a breach of the travel measure (absconding and leaving the UK).

The preferred option is option 2. These powers will help the police and Security Services manage the risk posed by TPIM subjects.

**Will the policy be reviewed? It will be reviewed. If applicable, set review date: December 2016**

|  |                    |                      |                       |                     |                           |
|--|--------------------|----------------------|-----------------------|---------------------|---------------------------|
| Does implementation go beyond minimum EU requirements?   |                    |                      | N/A                   |                     |                           |
| Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.                       | <b>Micro</b><br>No | <b>&lt; 20</b><br>No | <b>Small</b><br>No    | <b>Medium</b><br>No | <b>Large</b><br>No        |
| What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent) |                    |                      | <b>Traded:</b><br>N/A |                     | <b>Non-traded:</b><br>N/A |

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible minister: ..... Date: .....

# Summary: Analysis & Evidence

# Policy Option 1

Description: Make no changes.

## FULL ECONOMIC ASSESSMENT

| Price Base<br>Year 2014 | PV Base<br>Year 2014 | Time Period<br>Years 10 | Net Benefit (Present Value (PV)) (£m) |                |                  |
|-------------------------|----------------------|-------------------------|---------------------------------------|----------------|------------------|
|                         |                      |                         | Low: Optional                         | High: Optional | Best Estimate: 0 |

| COSTS (£m)    | Total Transition<br>(Constant Price) | Years | Average Annual<br>(excl. Transition) (Constant Price) | Total Cost<br>(Present Value) |
|---------------|--------------------------------------|-------|---|-------------------------------|
| Low           | 0                                    |       | 0   | 0                             |
| High          | 0                                    |       | 0   | 0                             |
| Best Estimate | 0                                    |       |   | 0                             |

### Description and scale of key monetised costs by 'main affected groups'

This option is the baseline, so there are no additional costs.

### Other key non-monetised costs by 'main affected groups'

N/A

| BENEFITS (£m) | Total Transition<br>(Constant Price) | Years | Average Annual<br>(excl. Transition) (Constant Price) | Total Benefit<br>(Present Value) |
|---------------|--------------------------------------|-------|---|----------------------------------|
| Low           | 0                                    |       | 0   | 0                                |
| High          | 0                                    |       | 0   | 0                                |
| Best Estimate | 0                                    |       | 0   | 0                                |

### Description and scale of key monetised benefits by 'main affected groups'

This option is the baseline, so there are no additional benefits.

### Other key non-monetised benefits by 'main affected groups'

N/A

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

There is a risk that the police and Security Services will not have sufficient powers to disrupt the activities of TPIM subjects or prevent them absconding.

## BUSINESS ASSESSMENT (Option 1)

|   |             |        |                   |                      |
|---|-------------|--------|-------------------|----------------------|
| Direct impact on business (Equivalent Annual) £m: |             |        | In scope of OITO? | Measure qualifies as |
| Costs: 0  | Benefits: 0 | Net: 0 | No                | N/A                  |

# Summary: Analysis & Evidence

# Policy Option 2

Description: Amend the TPIM Act

## FULL ECONOMIC ASSESSMENT

| Price Base Year 2014 | PV Base Year 2014 | Time Period Years10 | Net Benefit (Present Value (PV)) (£m)0 |            |                     |
|----------------------|-------------------|---------------------|--|------------|---------------------|
|                      |                   |                     | Low: -10.1                             | High: -3.7 | Best Estimate: -6.9 |

| COSTS (£m)    | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|-----------------------------------|-------|--|----------------------------|
| Low           | 0                                 |       | 0.42   | 3.7                        |
| High          | 0                                 |       | 1.2  | 10.1                       |
| Best Estimate | 0                                 |       | 0.8  | 6.9                        |

### Description and scale of key monetised costs by 'main affected groups'

- Home Office staff-related costs estimated at £51,289 per year
- Home Office legal costs estimated at £430,000 per year
- Legal Aid costs estimated at £315,000 per year
- Support organisations costs estimated at £6,280 per year

### Other key non-monetised costs by 'main affected groups'

- The policy could result in a greater interference in the liberty of those subject to a TPIM notice.
- Costs to the judicial system for the potential increase in sentence length where an individual is prosecuted for breaching the travel measure. This cost has not been monetised.

| BENEFITS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|-----------------------------------|-------|--|-------------------------------|
| Low           | NK                                |       | NK   | NK                            |
| High          | NK                                |       | NK   | NK                            |
| Best Estimate | NK                                |       | NK   | NK                            |

### Description and scale of key monetised benefits by 'main affected groups'

N/A

### Other key non-monetised benefits by 'main affected groups'

- There would be benefits to the general public as the disruption of TPIM subjects' activities would be more effective.
- There may be resource savings to central government if TPIM subjects residing in government-funded accommodation are relocated to less expensive areas elsewhere in the UK. Resources would also be saved by the police and the Security Services. The data required to monetise the benefits in relation to this benefit are not publishable, for privacy and security reasons.

### Key assumptions/sensitivities/risks

Discount rate (%) 3.5

It is not possible to predict the terrorist threat that we face over the coming years and how this will impact on the volume of TPIM cases. It is assumed that there will be an additional 5 to 15 TPIM cases per year (10 cases is the best estimate). It is possible that there could be more or less than the estimated number under the new powers. It is assumed that all new TPIM subjects will utilise the avenues for legal review and legal aid funding. It is assumed that a longer sentence length for breaching the travel measure would have a deterrent effect. There is a risk that the changes to the definition of terrorism related activity and the standard of proof will mean that disruptive action is not taken against some individuals.

## BUSINESS ASSESSMENT (Option 2)

|   |             |        |                   |                      |
|---|-------------|--------|-------------------|----------------------|
| Direct impact on business (Equivalent Annual) £m: |             |        | In scope of OITO? | Measure qualifies as |
| Costs: 0  | Benefits: 0 | Net: 0 | No                | N/A                  |

## BUSINESS ASSESSMENT (Option 3)

## Evidence Base (for summary sheets)

### A. Define the problem

On 29 August the Independent Joint Terrorism Analysis Centre raised the UK national terrorist threat level from SUBSTANTIAL to SEVERE meaning that a terrorist attack is 'highly likely'. Approximately 500 individuals of interest to the police and security services have travelled from the UK to Syria and Iraq since the start of the conflicts; a number of these individuals have joined terrorist organisations including the Islamic State of Iraq and the Levant (ISIL). On 1 September the Prime Minister announced that legislation would be brought forward in a number of areas to stop people travelling overseas to fight for terrorist organisations, or conduct terrorist related activity, and subsequently returning the UK, and to deal with individuals already in the UK who pose a risk to the public.

The Government's ability to disrupt individuals from travelling abroad to engage in terrorism-related and other serious or organised criminal activity has become increasingly important with developments in Syria and other parts of the world. We need to do more to disrupt individuals travelling from the UK to fight for terrorist organisations, and to manage those individuals who seek to return here.

When it is not possible to prosecute or deport individuals with a track record of involvement in terrorist related activity, Terrorism Prevention and Investigation Measures (TPIMs) give the Security Services and police powerful measures to help manage the risk these individuals pose. Current measures include: requiring an individual to remain in their residence overnight, electronic monitoring, and reporting to a police station. TPIMs have been endorsed by the courts, counter-terrorism reviewers, the police, and the Security Services.

The police and Security Services have confirmed that they would welcome additional powers to disrupt TPIM subjects and amend the TPIM Act to:

- allow the Secretary of State to require a subject to reside in a particular location anywhere in the UK but no more than 200 miles from their current locality (unless the subject agrees to a greater distance);
- provide for additional measures to restrict a subject's travel outside the area in which their residence is situated;
- include a power to require TPIM subjects to meet with statutory bodies or other persons specified by the Secretary of State;
- prohibit TPIM subjects from obtaining firearms and offensive weapons; and
- increase the sentence for breaching a TPIM travel measure from a maximum of five years to a maximum of ten years, where the person leaves the UK or breaches the new power to impose a boundary around where they reside.

The Government recognises that these measures impact on an individual's civil liberties and therefore is introducing amendments to the TPIM Act to:

- amend the definition of terrorism for TPIMs to remove "conduct which gives support or assistance to individuals who are known or believed by the individuals concerned to be involved in the encouragement or facilitation of terrorism"; and
- raise the threshold for imposing a TPIM notice so the Secretary of State must be satisfied to a balance of probabilities that the individual has been engaged in terrorism-related activity, as opposed to "reasonable belief".

## **B. Rationale**

Protecting the UK against terrorism is a fundamental role of Government. Counter-terrorism measures require judgments on the need to balance protecting the public with safeguarding civil liberties and dealing with sensitive issues of national security. Such judgments should not be left to the private sector. The private sector does not have the access to intelligence to understand the scale/nature of the threat.

It is the Government that manages sensitive information and intelligence on individuals that pose a terrorist threat and is responsible for the safety and security of UK citizens. Given the necessity of counter-terrorism measures, and the role of the Government to protect the public, the Government is uniquely placed to fulfil this role.

## **C. Objectives**

The policy objectives are to:

- a) Strengthen powers to disrupt people with a track record of involvement in terrorist related activity who we are unable to prosecute or deport.
- b) Reduce the risk of abscond from a TPIM.
- c) Increase TPIM subjects' opportunities to move away from terrorism related activity.
- d) Balance protection of national security with individual civil liberties.

## **D. Options**

Option 1 - make no changes.

Option 2 - amend the TPIM Act to:

- a) amend the definition of terrorism to remove conduct which gives support or assistance to individuals who are known or believed by the individuals concerned to be involved in the encouragement or facilitation of terrorism;
- b) raise the threshold for imposing a TPIM notice so the Secretary of State and courts must be satisfied to a balance of probabilities that the individual has been engaged in terrorism-related activity;
- c) allow the Secretary of State to require a subject to reside in a particular location anywhere in the UK but no more than 200 miles from their current locality (unless the subject agrees to a greater distance);
- d) provide for additional measures to restrict a subject's travel outside the area in which their residence is situated;
- e) include a power to require TPIM subjects to meet with statutory bodies or other persons specified by the Secretary of State;
- f) prohibit TPIMs subjects from obtaining firearms and offensive weapons; and
- g) increase the sentence for breaching a TPIM travel measure from a maximum of five years to a maximum of ten years, where the person leaves the UK or breaches the new power to impose a boundary around where they reside.

## D.1 Groups Affected

- General public
- TPIM subjects and their families
- Police
- Security Services
- Home Office
- Ministry of Justice and its agencies
- Organisations which may be able to offer support/opportunities to TPIM subjects (for example Job Centres and Housing Associations)

## D. 2 Option 1 - Make no changes

### COSTS & BENEFITS

Option one is the baseline. Therefore there are no additional costs or benefits.

## D. 3 Option 2 - Amend the TPIM Act to:

- a) amend the definition of terrorism to remove conduct which gives support or assistance to individuals who are known or believed by the individuals concerned to be involved in the encouragement or facilitation of terrorism;
- b) raise the threshold for imposing a TPIM notice so the Secretary of State must be satisfied to a balance of probabilities that the individual has been engaged in terrorism-related activity;
- c) allow the Secretary of State to require a subject to reside in a particular location anywhere in the UK but no more than 200 miles from their current locality (unless the subject agrees to a greater distance);
- d) provide for additional measures to restrict a subject's travel outside the area in which their residence is situated;
- e) include a power to require TPIM subjects to meet with statutory bodies or other persons specified by the Secretary of State;
- f) prohibit TPIM subjects from obtaining firearms and offensive weapons; and
- g) increase the sentence for breaching a TPIM travel measure from a maximum of five years to a maximum of ten years, where the person leaves the UK or breaches the new power to impose a boundary around where they reside.

Taking each element in turn:

**a) amend the definition of terrorism to remove conduct which gives support or assistance to individuals who are known or believed by the individuals concerned to be involved in the encouragement or facilitation of terrorism**

### COSTS

**General public:** This policy restricts the use of the power to impose TPIM notices by limiting the type of behaviour that comes under the scope of the Act. This means that there may be some individuals against whom the Secretary of State would be unable to impose a TPIM notice where she would have been able if this amendment to the Act was not made (i.e. under option 1). There is a potential additional risk of terrorism-related activity.

## BENEFITS

**Individual civil liberties:** Interference with individual civil liberties will only be permitted in a more limited set of circumstances.

**b) raise the threshold for imposing a TPIM notice so the Secretary of State must be satisfied to a balance of probabilities that the individual has been engaged in terrorism-related activity**

## COSTS

**General public:** This policy restricts the use of the power by raising the standard of proof to be satisfied before a TPIM notice is imposed. This means that there may be some individuals against whom the Secretary of State would be unable to impose a TPIM notice where she would have been able if this amendment was not made (i.e. under option 1). There is a potential additional risk of terrorism-related activity.

## BENEFITS

**Individual civil liberties:** The circumstances under which the Secretary of State may impose a TPIM notice will be more limited and therefore there will be less interference with individual civil liberties.

**c) allow the Secretary of State to require a subject to reside in a particular location anywhere in the UK but no more than 200 miles from their current locality (unless they agree to a greater distance)**

and

**d) provide for additional measures to restrict a subject's travel outside the area in which their residence is situated**

## COSTS

**TPIM subjects:** The policy could result in a greater interference in the liberty of those subject to a TPIM notice. This would be mitigated by a statutory duty to produce guidance on the factors to consider on the area in which a TPIM subject may travel away from their residence without permission from the Secretary of State.

**Home Office:** This policy could result in a higher volume of TPIM cases than under option 1. It is not possible to predict the terrorist threat that we face over the coming years and how this will impact on the volume of TPIM cases. It is assumed that there will be an additional 5 to 15 TPIM cases per year. The best estimate is that there would be 10 additional TPIM cases a year.

This would require the Home Office to expend resource on administering TPIM cases. It is estimated that one additional HEO and an additional 0.5 EO would be required to undertake the additional work. These staff would be based in London and would cost £43,384 per year (£30,989 for a full time HEO and £12,395 for 0.5 EO) based on the upper level of Home Office salaries (Transparency data, junior staff salary and structure information Home Office: March 2014). To take into account non-wage staff costs (such as social security contributions) to the Home Office, a multiplier of 1.1806<sup>1</sup>, or 18.06% is applied to salaries to give the total staff costs. The total staff cost is £51,289.

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<sup>1</sup> [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/File:Labour\\_costs\\_per\\_hour\\_in\\_EUR,\\_2008-2013\\_whole\\_economy\\_excluding\\_agriculture\\_and\\_public\\_administration.png](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/File:Labour_costs_per_hour_in_EUR,_2008-2013_whole_economy_excluding_agriculture_and_public_administration.png) (calculated as  $0.153/(1-0.153) = 0.1806$ )

There would be additional legal costs to the Home Office to defend any legal review proceedings brought by TPIM subjects. It is assumed that each new TPIM subject will utilise their automatic right to appeal and would appeal any subsequent extension. Based on costs provided by Treasury Solicitors it is estimated that each section 9 review appeal (an appeal against the imposition of a TPIM notice) will incur a legal cost to the Home Office of approximately £27,000 and that any subsequent section 16 appeal (appeal against revival, extension, or variation decision) would cost £16,000 per appeal. It is assumed that there will be between five and fifteen section 9 appeals a year and between five and fifteen section 16 appeals each year. Therefore the total annual cost will be between £215,000 and £645,000, with a best estimate being £430,000.

**Ministry of Justice:** There would be an additional cost to the Ministry of Justice for the additional TPIM review proceedings brought by TPIM subjects. Work is ongoing with economists to calculate the likely costs to HM Courts Service.

**Legal Aid:** TPIM subjects are eligible for legal aid to bring a statutory appeal. It is assumed that each new TPIM subject will access legal aid funding. Based on past costs, it is estimated that each TPIM subject will incur a cost of £31,500 in legal aid fees per year. It is assumed that there will be between five and fifteen new cases each year. Therefore the total annual cost will be between £157,500 and £472,500, with a best estimate being £315,000.

**Security Services:** The Security Services would incur additional costs to administer and manage the assumed additional five to fifteen TPIM cases per year. These costs have not been estimated. However, the Security Services' disaggregated budgets and spending are classified information and therefore these costs could not have been included in this impact assessment.

**Police:** The police would incur additional costs to enforce and manage the assumed additional five to fifteen TPIM cases per year. The police's disaggregated budgets and spending on counter-terrorism are classified information and therefore these costs have not been included in this impact assessment.

## **BENEFITS**

**Police and Security Services:** The operational process for the police and Security Services to monitor individuals subject to a TPIM notice will be more efficient and effective if individuals can be required to reside anywhere in the UK (although an individual cannot be moved more than 200 miles from their locality without their agreement). A significant benefit is therefore the resources saved by police and the Security Services - the difference in resources expended under existing TPIM measures compared to new TPIM measures.

The size of these benefits will depend on:

- a) The number of TPIM subjects who would be required to reside anywhere in the UK.
- b) The difference in cost between monitoring subjects under new and existing TPIM measures. These costs are classified, as they provide disaggregated information about the Security Services' expenditure, and cannot be outlined in this document.

**Home Office:** Under current TPIM measures, subjects can be required to live in accommodation arranged and financed by the Home Office. However, subjects cannot be required to move outside of their locality. Under new measures, subjects could still be required to live in Home Office accommodation, but this could be elsewhere in the UK (although an individual cannot be moved more than 200 miles from their locality without their agreement). There are possible savings to the Home Office if subjects are moved from more expensive accommodation to accommodation in less expensive areas elsewhere in the UK. The size of

the benefits would depend on where the subjects are moved from and to, which would be determined on an individual basis, and the number of subjects this applies to. It is not possible to predict how many subjects would be housed in Home Office accommodation, but it is estimated to be between zero and fifteen per year. Decision on where an individual should reside will be made on a case by case basis. It is possible that all of the assumed number of new TPIM subjects could be housed in Home Office accommodation, it is also possible that it is not considered necessary for any of the individuals to be housed in Home Office accommodation, even when relocated (for instance, if they move to live with a relative).

**The general public:** There would be an increase in the effectiveness of the disruption to TPIM subjects' activities. Improved disruption options will reduce the ability of individuals in the UK to influence, plan and/or execute an attack. A terrorist attack can have a large impact on the UK, both in terms of the immediate impact, such as lives lost, damaged infrastructure and lost output, and longer term costs such as higher public anxiety.

**e) include a power to require TPIM subjects to meet with statutory bodies or other persons specified by the Secretary of State**

## **COSTS**

**Support organisations:** Support organisations will use their resources to provide support and opportunities to TPIM subjects to give them an opportunity to move away from terrorism-related activity. This could be through support from housing organisations, Job Centre Plus, mentors or the Probation Service. This support will not be a form of monitoring, and is unlikely to require subjects to meet with said organisations for long periods of time.

Due to the variations in the costs of support, as a result of the varying circumstances in each case, it is not possible to provide a detailed estimate of the costs which may be incurred. However, it is likely that cost-wise, this will be analogous to meeting with a Job Centre Plus counsellor for one hour per week: this is used as a best estimate. Assuming the counsellor is at EO grade, on a regional salary, the annual cost per subject is £628. It is not possible to predict the terrorist threat that we face over the coming years and how this will impact on the volume of TPIM cases. It is estimated that there will be an additional five to fifteen TPIM cases per year. The cost of providing this support to five subjects is £3,140 and fifteen subjects is £9,420. The best estimate for ten TPIM subjects is therefore £6,280. It is expected that existing staff will carry out these duties, so there will not be costs associated with hiring and training new staff. The expected cost of this policy is therefore £6,280.

**TPIM subjects:** The policy could result in a greater interference in the liberty of those subject to a TPIM notice.

## **BENEFITS**

**The general public:** If the support is successful, TPIM subjects will be less likely to influence, plan and/or execute an attack. A terrorist attack can have a large impact on the UK, both in terms of the immediate impact, such as lives lost, damaged infrastructure and lost output, and longer term costs such as higher public anxiety.

**TPIM subjects:** If the support is successful TPIM subjects cease their involvement in terrorism related activity and could gain employment and new skills.

**f) prohibit TPIMs subjects from obtaining firearms and offensive weapons**

## **COSTS**

**TPIM subjects:** The policy could result in a greater interference in the liberty of those subject to a TPIM notice.

There are not expected to be any other costs, as enforcement activity will remain unchanged.

## **BENEFITS**

**The general public:** TPIM subjects may be less likely to carry out attacks using firearms and explosives as a result of the policy. A terrorist attack can have a large impact on the UK, both in terms of the immediate impact, such as lives lost, damaged infrastructure and lost output, and longer term costs such as higher public anxiety. The policy will make clear that obtaining firearms and offensive weapons is a breach of a TPIM and will provide an additional layer of reassurance to the public that TPIM subjects cannot possess these weapons.

**g) increase the sentence for breaching a TPIM travel measure from a maximum of five years to a maximum of ten years, where the person leaves the UK or breaches the new power to impose a boundary around where they reside**

## **COSTS**

**Justice system:** This measure would increase the maximum custodial sentence for breaching the TPIM measure that prevents subjects leaving the UK. The maximum custodial sentence is currently five years, and this option would increase it to ten. There would be a cost to the justice system as a result of TPIM subjects who have breached this measure remaining in prison longer. It is not possible to estimate this cost as it is not possible to predict how many TPIM subjects may be put under this measure, and how many of these may abscond, be prosecuted, and receive the maximum sentence. There would be no additional costs associated with investigation or prosecution.

## **BENEFITS**

**The general public:** Increasing the length of the sentence for breaching the travel measure is intended to act as a deterrent. If individuals are deterred from breaching and instead remain under their TPIM conditions, they may be less likely to influence, plan and/or execute an attack. A terrorist attack can have a large impact on the UK, both in terms of the immediate impact, such as lives lost, damaged infrastructure and lost output, and longer term costs such as higher public anxiety.

## D. 4 GENERAL ASSUMPTIONS & DATA

- Individuals subject to a TPIM notice and their families will be the groups most impacted by this policy. Most of the non-monetary costs of this policy are very difficult to quantify as they relate to the impact on a TPIM subject's civil liberties.
- It is not possible to predict the terrorist threat that we face over the coming years and how this will impact on the volume of TPIM cases. Based on an initial assessment it is assumed that there will be an additional five to fifteen TPIM cases per year under option 2. **It is possible that there could be more or less than the estimated number under the new powers.** This may mean that even if efficiency savings lead to lower unit costs, the overall cost of TPIMs may increase.
- It is assumed that each new TPIM subject will utilise their automatic right to appeal and would appeal any subsequent extension. It is assumed that all new TPIM subjects will access legal aid to fund their appeal proceedings.
- With regards to the legal costs to the Home Office it is very difficult to provide an accurate average cost for these type of proceedings given the variation in levels of disclosure between individual cases. The estimate of average cost for the section 9 appeal assumes that:
  - (i) one week of Counsel time is required to review and finalise Secretary of State's national security statement and evidence, both for open and closed sessions,
  - (ii) the standard review timetable is ordered by the court,
  - (iii) the Civil Procedure Rules 80.25 hearing (to consider whether the Secretary of State should disclose further closed evidence) is listed for two days, and
  - (iv) the review hearing is listed for four days and that a QC and junior are instructed to appear for the Secretary of State.

This estimate does not include any costs associated with the initial TPIM application, but does include the initial directions hearing following the grant of a TPIM order. The estimate also only covers Treasury Solicitors and Counsel fees payable by the Home Office and does not cover any potential liability for an appellant's costs. The costs figures in this estimate are exclusive of VAT. For the section 16 appeal, it is assumed that revival/extension proceedings are separate, but that the additional national security evidence is relatively brief.

- There is an assumption that any individuals subject to the amended TPIM powers would also have been subject to old TPIM measures (e.g. no individuals are put on TPIMs under new measures who would not have been put on a TPIM without them). If this is not the case, the accommodation cost-savings may be outweighed by additional accommodation expenditures (if there are simply more subjects being placed in Home Office accommodation, rather than moved from more expensive to less expensive Home Office provided accommodation).
- One benefit of amending the TPIM Act to enable the Secretary of State to require subjects to reside anywhere in the UK is the efficiency savings to police and Security Services. These benefits have not been estimated. However, these benefits would not have been included in this document as the Services' disaggregated budgets and spending are classified information.

- It is assumed that a longer sentence length for breaching a TPIM travel measure would have a deterrent effect.
- It is assumed that Job Centre/other support organisation staff will not need additional training.
- It is assumed that TPIM subjects subject to the firearm measure will not breach this. If they do, there may be additional costs to the justice system.

## **D.5 ONE-IN-TWO-OUT (OITO)**

All of the options in this Impact Assessment are out of scope of OITO.

## **E. Risks**

### **E. 1 Option 1 - make no changes**

Would not meet the policy objective to strengthen powers to disrupt terrorist suspects who we cannot prosecute or deport or reduce the ability to abscond from a TPIM.

### **E.2 Option 2 – amend the TPIM Act**

Taking each element in turn:

**a) amend the definition of terrorism to remove conduct which gives support or assistance to individuals who are known or believed by the individuals concerned to be involved in the encouragement or facilitation of terrorism**

This policy could result in a gap in powers to take disruptive action against individuals who give support to the encouragement or facilitation of terrorism.

**b) raise the threshold for imposing a TPIM notice so the Secretary of State must be satisfied to a balance of probabilities that the individual has been engaged in terrorism-related activity**

This policy could result in disruptive action not being taken against individuals where the Secretary of State is not satisfied beyond the balance of probabilities that they have been engaged in terrorism-related activity but would have previously met the lower standard of proof of “reasonable belief”.

**c) allow the Secretary of State to require a subject to reside in a particular location anywhere in the UK but no more than 200 miles from their current locality (unless they agree to a greater distance)**

**and**

**d) provide for additional measures to restrict a subject’s travel outside the area in which their residence is situated**

Even with a power to require individuals to reside anywhere in the UK it would not be possible to entirely eliminate abscond risk. Furthermore TPIM subjects may feel there is a greater reason to abscond from more restrictive measures.

**e) include a power to require TPIM subjects to meet with statutory bodies or other persons specified by the Secretary of State**

TPIM subjects may retain a terrorist mindset despite intervention.

**f) prohibit TPIMs subjects from obtaining firearms and offensive weapons**

There is a risk that the public may believe this is over-policing.

**g) increase the sentence for breaching a TPIM travel measure from a maximum of five years to a maximum of ten years, where the person leaves the UK or breaches the new power to impose a boundary around where they reside**

There is a risk that a longer sentence length would not be a deterrent and subjects would breach travel measures regardless, imposing a cost on the police and justice system.

There is a risk associated with measures c-f that more individuals will become suitable for, and subject to TPIMs as a result of these measures. This may increase the overall cost of TPIMs.

**F. Implementation**

The Government plans to implement these changes upon Royal Assent of the Counter-Terrorism and Security Act.

**G. Monitoring and Evaluation**

The effectiveness of the additional powers would be monitored through the statutory obligation on the Secretary of State to provide quarterly reports to Parliament on her exercise of the powers during each period and the Independent Reviewer of Terrorism Legislation's review of the operation of the legislation in respect of each calendar year.

**H. Feedback**

The Government will publish a response to each of the Independent Reviewer of Terrorism Legislation's annual reviews.