

Controversial new terror laws

By [Adam Roney](#)

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After the September 11th attacks in 2001 the UK government pushed through anti-terror legislation in the form of the Anti-Terrorism, Crime & Security Act (ATCSA). Some critical commentators have argued that this was a knee-jerk reaction to a perceived threat. Signifying a concession that the Act need be reviewed on a yearly basis, ATCSA nonetheless controversially allowed for the indefinite imprisonment of foreign terror suspects without trial.

The political climate has changed a lot since 2001 and at the latest review the country's highest legal authorities, the law lords, ruled that the provisions breached EU human rights legislation, and had to be changed. The Anti-Terrorism Act officially expires on 14th March.

The new Home Secretary, Charles Clarke, spurred on by this impending deadline has recently proposed a series of new terror laws which have sparked concern amongst politicians, lawyers and human rights activists alike. Mr Clarke wants to introduce so-called "control orders" for suspected terrorists which will prohibit, amongst other things, the use of the Internet and telephones; limit association or communication with certain individuals; restrict movement within the UK and, require suspects to be electronically tagged. Most publicised has been the proposal to place suspects under house arrest.

Crucially, the Home Secretary, an elected politician, wants to be able to chose who is placed under one of these orders. To limit an individual's legal rights in a democracy requires the judiciary to make a judgment against them. This latest piece of legislation further attempts to blur the distinction between the legislature and the judiciary; a distinction which is fundamental to maintaining a free and fair society.

Mr Clarke claims that the measures are necessary because situations arise where intelligence material can reveal that someone is a terror suspect, but they cannot be prosecuted because the evidence is of a type not admissible in court, or because intelligence officials are concerned about keeping their sources secret.

In one interview he added that he would prefer to prosecute the suspects but that it was not possible under the circumstances. Speaking in the House of Commons he warned, "Let no one be in any doubt that there are terrorists here and abroad who want to attack the UK and its interests."

The Conservative Shadow Home Secretary David Davis said the proposals were "unnecessary, unrealistic and undemocratic". Liberal Democrat home affairs spokesman Mark Oaten also commented that the plans are, "... wrong in principle, and dangerous in practice...". Tony Blair and Charles Clarke also took flack from former Labour Cabinet Minister Frank Dobson who said the legislation undermined the "timeless rights of British citizens".

When questioned by the Conservative leader, Michael Howard, as to why he was being so "arrogant" about liberties in the UK, Mr. Blair replied that he was acting on the advice of the security services and police chiefs.

MPs on all sides are angry that they only had a few days to discuss the proposals. Labour is ramming

through the legislation in the same way they forced through the ATCSA four years ago.

A change made to the bill, which New Labour are keen not to present as a concession, came on the eve of the first vote. In a letter the Home Secretary sent to his shadow, Mr Davis, Charles Clarke said he would amend the bill at its Lords stage so he would have to apply to a judge for a house arrest control order.

This did not deter a cross-party bid to have all decisions on measures to control suspects made by judges. Despite slashing the government's majority to 14, the proposal was defeated. The bill was eventually voted through to the Lords by 272 votes to 219.

Mr Oaten has said that Clarke's plans to alter the bill at its Lord's stage and so not let MPs debate it, made a 'nonsense' of Commons proceedings. The new terror laws have been lambasted from all sides of the upper house. As the Prevention of Terrorism Bill enters its committee stage, the conservatives have tabled a 'sunset' clause indicating that they may the legislation for now, so long as it expires and be reviewed in November of this year.

The political system in this country allows legislation to be pushed through the House of Commons by the weight of government majorities. It is this feature which arguably leads to some of the bad legislation present in the Statute Books. A piece of legislation should have a full and proper consultation phase to assess the merits and problems in the proposals.

The government leaves itself wide open to attack when it acts in the way it has over these recent anti-terror plans. It looks as if it has no respect for the political process, and it also raises questions as to why the legislation needs to be pushed through so quickly. Is this really an adequate response to the real need for effective anti-terror legislation, or merely a matter of political expediency because of an approaching deadline?



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