

QX (Respondent) v Secretary of State for the Home Department (Appellant)

Case ID: UKSC 2022/0181

Case summary

Issues

1) Does Article 6(1) ECHR apply to QX's challenge to the Temporary Exclusion Order ("TEO") placed upon him by the SSHD? Did the first instance Judge err in law in holding that QX was not entitled to disclosure of the kind described in *AF (No 3) v Secretary of State for the Home Department* [2009] UKHL 28; [2012] 2 AC 269 ("AF No. 3") in relation to his challenge to the SSHD's determination of Conditions A and B when imposing the TEO?

2) What is the role of the Court in determining a challenge to the SSHD's decision to impose a TEO? Does the Court of Appeal have the power to make the factual assessment of terrorist-related activity for itself, or is it limited to an administrative review of the decision made by the SSHD?

Facts

This appeal relates to the statutory regime of Temporary Exclusion Orders introduced in Part 1 of the Counter-Terrorism and Security Act 2015 ("CTSA"). Under s.2(2) CTSA, SSHD has the power to impose TEOs but she can only lawfully do so if, among other things, she "reasonably suspects that the individual is, or has been, involved in terrorism-related activity outside the UK" ("Condition A", contained in s.2(3) CTSA).

QX was the subject of a TEO imposed by the SSHD on 26 November 2018. During the currency of the TEO, the SSHD imposed various obligations on QX under the TEO pursuant to her powers under s.9 CTSA. In these proceedings, QX challenges the SSHD's decision (i) to impose and maintain the TEO and (ii) to impose particular obligations under the TEO.

Judgment appealed

[\[2022\] EWCA Civ 1541](#)

Parties

Appellant(s)

Secretary of State for the Home Department

Respondent(s)

QX

Appeal

Justices

Lord Reed, Lord Lloyd-Jones, Lord Hamblen, Lord Burrows, Lord Stephens, Lady Rose, Lady Simler

Hearing start date

12 March 2024

Hearing finish date

13 March 2024

Watch hearing

12 March 2024 [Morning session](#) [Afternoon session](#)

13 March 2024 [Morning session](#)