

COUNTER-TERRORISM AND BORDER SECURITY BILL: MEMORANDUM FOR PUBLIC BILL COMMITTEE ON THE APPLICATION OF STANDING ORDER 83L OF THE STANDING ORDERS OF THE HOUSE IN RESPECT OF THE GOVERNMENT AMENDMENTS TABLED FOR COMMONS COMMITTEE

Summary

1. Subject to certain exceptions (as detailed in Annex C to the Explanatory Notes), the provisions of the Bill extend and apply to England and Wales, Scotland and Northern Ireland.
2. Taking into account the Government amendments tabled¹ for Commons Committee stage, it remains the view of the Government of the United Kingdom ("UK") that none of the provisions of the Bill are within the legislative competence of the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly.

Commons Committee stage amendments

3. The following is the Department's assessment of the amendments to the Bill tabled by the Government for consideration at Commons Committee stage.
4. The Government tabled two amendments to Schedule 4 to the Bill (amendments 48 and 49). Amendment 48 amends provisions in the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 and the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 which extend and apply to Northern Ireland only. Amendment 49 amends the Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements) Regulations 2009 which extends and applies to the UK. The provisions of Schedule 4 to the Bill, as it would be amended, would continue to apply in part only to each of the three jurisdictions, as such, neither amendment alters the analysis at Annex C to the Explanatory Notes.
5. The above assessment is presented in tabular form in the attached annex.

Home Office
9 July 2018

¹ In this memorandum, the Government amendments are referred to by reference to the amendment number assigned to them in the Marshalled List.

Provisions in the Bill on introduction taking into account Government amendments tabled for Commons Committee

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 2	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 5	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 6	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 7	In part	In part	In part	In part	N/A	N/A	N/A	No
Clause 8	Yes	Yes	No	No	No	No	No	No
Clause 9	No	No	Yes	No	N/A	N/A	N/A	No
Clause 10	No	No	No	Yes	N/A	N/A	N/A	No
Clause 11	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 12	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 13	In part	In part	In part	In part	N/A	N/A	N/A	No
Clause 14	Yes	Yes	Yes	No	N/A	N/A	N/A	Yes (S)
Clause 15	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 16	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 17	In part	In part	In part	In part	N/A	N/A	N/A	No
Clause 18	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 19	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 20	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 2	In part	In part	In part	In part	N/A	N/A	N/A	No
Schedule 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 4	In part	In part	In part	In part	N/A	N/A	N/A	No