



# House of Commons

**Tuesday 26 June 2018**

## **PUBLIC BILL COMMITTEE**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

*Amendments tabled since the last publication: 1 to 25 and NC1 to NC3*

## **COUNTER-TERRORISM AND BORDER SECURITY BILL**

### **NOTE**

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.**

### **RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE**

*The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 25 June (Standing Order 83C):*

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 26 June meet—
  - (a) at 2.00 pm on Tuesday 26 June;
  - (b) at 11.30 am on Thursday 28 June;
  - (c) at 9.25 am and 2.00 pm on Tuesday 3 July;
  - (d) at 11.30 am and 2.00 pm on Thursday 5 July;
  - (e) at 9.25 am and 2.00 pm on Tuesday 10 July;
  - (f) at 11.30 am and 2.00 pm on Thursday 12 July;
  - (g) at 9.25 am and 2.00 pm on Tuesday 17 July;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

---

**Counter-Terrorism and Border Security Bill, *continued***
**TABLE**

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 26 June	Until no later than 10.55 am	Metropolitan Police; Crown Prosecution Service
Tuesday 26 June	Until no later than 11.25 am	The Law Society
Tuesday 26 June	Until no later than 2.45 pm	Max Hill QC, Independent Reviewer of Terrorism Legislation
Tuesday 26 June	Until no later than 3.15 pm	The Law Society of Scotland
Tuesday 26 June	Until no later than 3.45 pm	Liberty; Criminal Bar Association

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 11; Schedule 1; Clauses 12 to 17; Schedule 2; Clauses 18 to 20; Schedule 3; Clause 21; Schedule 4; Clauses 22 to 26; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 17 July.

*Mr Ben Wallace has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].*

---

Mr Ben Wallace

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

---

Mr Ben Wallace

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

---

Nick Thomas-Symonds

★ Clause 1, page 1, line 5, at end insert—

“(A1) Section 12 of the Terrorism Act 2000 (support) is amended as follows.

(B1) In subsection (1), after paragraph (b), insert—

---

**Counter-Terrorism and Border Security Bill, *continued***

“(c) in doing so is reckless as to whether another person will be encouraged to support a proscribed organisation.””

***Member’s explanatory statement***

*This amendment would amend the existing offence of inviting support for a proscribed organisation so that a person must be reckless as to whether another person is encouraged to support a proscribed organisation to commit the offence.*

Nick Thomas-Symonds

3

★ Clause 1, page 1, leave out line 6 and insert—

“(1) After subsection (1) insert—”

***Member’s explanatory statement***

*This amendment is consequential on Amendment (2).*

Nick Thomas-Symonds

1

★ Clause 1, page 1, line 10, leave out paragraph (b) and insert—

“(b) in doing so, intends to encourage support for a proscribed organisation”.

***Member’s explanatory statement***

*This amendment would mean that the offence is only committed where a person intends to encourage support for a proscribed organisation.*

---

Nick Thomas-Symonds

4

★ Clause 2, page 2, line 6, at end insert—

“(1C) It is a defence for a person charged with an offence under subsection (1A) to prove that he had a reasonable excuse for the publication of the image.”

***Member’s explanatory statement***

*This amendment explicitly sets out that a person charged with the new offence under subsection (3) has a defence if they can prove a reasonable excuse for the publication of the image.*

---

Nick Thomas-Symonds

5

★ Clause 3, page 2, line 13, after “occasions” insert “in a 12 month period”

***Member’s explanatory statement***

*This amendment would mean that a person would have to view the relevant information three or more times in a 12 month period to commit the offence.*

Nick Thomas-Symonds

6

★ Clause 3, page 2, line 15, after “kind” insert “, provided that on each occasion the person intends to provide practical assistance to a person who prepares or commits an act of terrorism.”

***Member’s explanatory statement***

*This amendment would require a person viewing information likely to be useful to a person committing or preparing an act of terrorism to intend to provide practical assistance of that kind in order to commit the offence.*

---

**Counter-Terrorism and Border Security Bill, continued**

Nick Thomas-Symonds

7

- ★ Clause 3, page 2, line 26, at end insert—
- “(4) In subsection (3), leave out from “section” to the end of the subsection and insert “where—
- (a) the person sets out a reasonable excuse for their action or possession; and
- (b) the excuse in paragraph (a) is not disproved beyond reasonable doubt.””

**Member’s explanatory statement**

*This amendment would mean that a person has a defence to the offences in section 58 of the Terrorism Act 2000 as amended if they raise a reasonable excuse and that excuse cannot be disproved beyond reasonable doubt.*

Nick Thomas-Symonds

8

- ★ Clause 3, page 2, line 26, at end insert—
- “(5) After subsection (3), insert—
- “(3A) A reasonable excuse under subsection (3) may include, but is not limited to, that the material has been viewed, possessed or collected—
- (a) for the purposes of journalism;
- (b) for the purposes of research;
- (c) by an elected official, or an individual acting on behalf of an elected official, in the course of their duties; or
- (d) by a public servant in the course of their duties.
- (6) At the end of subsection (5) insert—
- “(c) “elected official” has the same meaning as section 23 of the Data Protection Act 2018; and
- (d) “public servant” means an officer or servant of the Crown or of any public authority.””

**Member’s explanatory statement**

*This amendment would explicitly set out non-exhaustive grounds on which a reasonable excuse defence might be made out.*

Nick Thomas-Symonds

9

- ★ Clause 3, page 2, line 26, at end insert—
- “(7) The Secretary of State must within 12 months of the passing of this Act make arrangement for an independent review and report on the operation of section 58 of the Terrorism Act 2000 as amended by subsection (2).
- (8) The review under subsection (7) must be laid before both Houses of Parliament within 18 months of the passing of this Act.”

**Member’s explanatory statement**

*This amendment would require the Secretary of State to conduct a review and report to Parliament on the operation of the new offence inserted by this clause.*

Gavin Newlands

12

- ★ Page 2, line 7, leave out Clause 3
-

---

**Counter-Terrorism and Border Security Bill, continued**

Nick Thomas-Symonds

10

★ Clause 6, page 3, line 36, at end insert—

“(7) Sentencing guidelines for offences for which the maximum sentence has been increased under this section must be published within six months of the passing of this Act by the following bodies—

- (a) in relation to England and Wales, the Sentencing Council for England and Wales;
- (b) in relation to Scotland, the Scottish Sentencing Council; and
- (c) in relation to Northern Ireland, the Lord Chief Justice’s Sentencing Group.”

**Member’s explanatory statement**

*This amendment would require the bodies responsible for sentencing guidelines to produce new guidelines in relation to offences for which the maximum sentence would be increased under Clause 6.*

---

Gavin Newlands

13

★ Clause 14, page 15, line 20, at end insert—

“(2A) The authority may not impose any charge where the relevant event is a public procession or assembly as defined by section 16 of the Public Order Act 1986 taking place for the purposes set out at section 11(1) of the same Act.”

**Member’s explanatory statement**

*This amendment would ensure that a new power to impose charges in connection with anti-terror measures at events or particular sites would not restrict protest rights through the imposition of costs that organisers are unable to pay.*

---

Gavin Newlands

14

★ Schedule 2, page 26, line 5, leave out paragraph 2

Gavin Newlands

15

★ Schedule 2, page 26, line 29, leave out sub-paragraph 3(4)

**Member’s explanatory statement**

*These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 16, 17, 18, 19 and 20 would mean that the time period remains at two years.*

Gavin Newlands

16

★ Schedule 2, page 29, line 3, leave out sub-paragraph 7(4)

**Member’s explanatory statement**

*These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 17, 18, 19 and 20 would mean that the time period remains at two years.*

---

**Counter-Terrorism and Border Security Bill, continued**

Gavin Newlands

17

- ★ Schedule 2, page 30, line 3, leave out sub-paragraph 10(4)

***Member's explanatory statement***

*These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 18, 19 and 20 would mean that the time period remains at two years.*

Gavin Newlands

18

- ★ Schedule 2, page 31, line 32, leave out sub-paragraph 13(4)

***Member's explanatory statement***

*These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 17, 19 and 20 would mean that the time period remains at two years.*

Gavin Newlands

19

- ★ Schedule 2, page 33, line 4, leave out sub-paragraph 16(4)

***Member's explanatory statement***

*These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 17, 18 and 20 would mean that the time period remains at two years.*

Gavin Newlands

20

- ★ Schedule 2, page 34, line 28, leave out paragraph 19

***Member's explanatory statement***

*These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 17, 18 and 19 would mean that the time period remains at two years.*

---

 Neil Coyle

11

- ★ Clause 19, page 19, line 27, at end insert—

“(c) the acts of terrorism referred to in paragraph (b) occurred on or after 1 January 2017”.

***Member's explanatory statement***

*This amendment would mean that the extension of terrorism reinsurance arrangements to losses that cannot be directly linked to physical damage would apply to those businesses that had financial losses due to terrorist acts occurring on or after 1 January 2017.*

---

---

**Counter-Terrorism and Border Security Bill, *continued***

- Gavin Newlands 21
- ★ Schedule 3, page 46, line 17, leave out “and 26”
- Gavin Newlands 22
- ★ Schedule 3, page 46, line 26, leave out sub-paragraph (3)
- Gavin Newlands 23
- ★ Schedule 3, page 46, line 33, leave out sub-paragraph (6) and insert—  
“(6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would create an immediate risk of physical injury to any person.”
- Gavin Newlands 24
- ★ Schedule 3, page 46, line 37, at end insert, “provided that the person is at all times able to consult with a solicitor in private.”
- Gavin Newlands 25
- ★ Schedule 3, page 47, line 29, leave out paragraph 26  
***Member’s explanatory statement***  
*This amendment would delete provisions in the Bill which restrict access to a lawyer for those detained under Schedule 3 for the purpose of assessing whether they are or have been engaged in hostile activity.*
- 

Stephen Doughty

NC1

- ★ To move the following Clause—

**“Monitoring and removal of unlawful content**

- (1) Internet search engine providers, video and image sharing platforms, and social media platforms shall—
- (a) maintain effective procedures for routinely checking whether material posted on their platforms has been posted by or on behalf of a proscribed organisation, or indirectly to encourage support for a proscribed organisation;
  - (b) ensure that for the purposes of (a), effective manual and automatic procedures are maintained to check for variants of names, slogans, or imagery which would reasonably identify material as relating to a proscribed organisation;
  - (c) remove or block such content with six hours of its being identified by internal procedures; and
  - (d) remove or block such content within 24 hours of receiving an external complaint of its existence on the provider’s platforms.

---

**Counter-Terrorism and Border Security Bill, *continued***

- (2) In subsection (1) the reference to material is a reference to a still or moving image, an audio recording, or textual content (produced by any means).”
- 

Gavin Newlands

NC2

- ★ To move the following Clause—

**“Threshold for port and border control powers**

- (1) Schedule 7 to the Terrorism Act 2000 is amended as follows.
- (2) In paragraph 5 before “A person who is questioned” insert “Subject to paragraph 9A,”.
- (3) After paragraph 6A(2) insert—
- “(2A) A person questioned under paragraph 2 or 3 may not be detained under paragraph 6 unless the examining officer has reasonable grounds to suspect that he is a person falling within section 40(1)(b).”
- (4) In paragraph 8(1) before “An examining officer” insert “Subject to paragraph 9A below,”.
- (5) In paragraph 9(1) before “An examining officer” insert “Subject to paragraph 9A below,”.
- (6) After paragraph 9 insert—

*“Data stored on electronic devices*

- 9A (1) For the purposes of this Schedule—
- (a) the information or documents which a person can be required to give the examining officer under paragraph 5,
- (b) the things which may be searched under paragraph 8, and
- (c) the property which may be examined under paragraph 9 do not include data stored on personal electronic devices unless the person is detained under paragraph 6.
- (2) “Personal electronic device” includes a mobile phone, a personal computer and any other portable electronic device on which personal information is stored.”

***Member’s explanatory statement***

*This new clause would implement the recommendations of Parliament’s Joint Committee on Human Rights and would require an officer to have reasonable grounds for suspecting an individual is or has been concerned in the commission, preparation or instigation of acts of terrorism before she could detain an individual for up to 6 hours under Schedule 7.*

---



---

**Counter-Terrorism and Border Security Bill, *continued***

Gavin Newlands

NC3

★ To move the following Clause—

**“Access to a solicitor**

- (1) Schedule 8 of the Terrorism Act 2000 is amended as follows.
- (2) In paragraph 7 leave out “Subject to paragraphs 8 and 9”.
- (3) In paragraph 7A—
  - (a) leave out sub-paragraph (3),
  - (b) leave out sub-paragraph (6) and insert—
    - “(6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would create an immediate risk of physical injury to any person.”
  - (c) in sub-paragraph (7) at end insert “provided that the person is at all times able to consult with a solicitor in private.”
  - (d) leave out subparagraph (8).
- (4) Leave out paragraph 9.”

***Member’s explanatory statement***

*This amendment would delete provisions in the Terrorism Act 2000 which restrict access to a lawyer for those detained under Schedule 7.*

---

## ORDER OF THE HOUSE [11 JUNE 2018]

That the following provisions shall apply to the Counter-Terrorism and Border Security Bill:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 17 July.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

**Counter-Terrorism and Border Security Bill, *continued***

*Other proceedings*

7. Any other proceedings on the Bill may be programmed.
-