



House of Commons

Tuesday 10 July 2018

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

COUNTER-TERRORISM AND BORDER SECURITY BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [26 June 2018].

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.”

Nick Thomas-Symonds

43

Schedule 3, page 46, line 37, at end insert—

“(7A) The examining officer may require that the detainee consult only a solicitor who has been approved by the Law Society for providing advice to persons detained under the provisions of this schedule.”

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.

Nick Thomas-Symonds

42

Schedule 3, page 47, line 31, leave out “and hearing” and insert “but not hearing”

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Stephen Doughty

47

Schedule 3, page 48, line 9, at end insert—

“26A(1) This paragraph applies where a person detained under the powers contained in section 20 and schedule 3 is released without further action, charge or proceedings being taken against them within a period of 6 months.

- (2) A person so released shall have an enforceable right to compensation in relation to any costs incurred by them in relation to—
- (a) any non-refundable or amendable travel by air, sea, or land postponed or cancelled during the period of their detention,
 - (b) pre-paid accommodation cancelled as a result of travel cancelled as a consequence of (a), and
 - (c) reasonable repair of any damage to property seized during the period of detention that is not retained for evidential purposes, or replacement of property damaged or destroyed on a like for like basis.
- (3) The Secretary of State may by regulations made by statutory instrument set out arrangements for such compensation to be paid.
- (4) A statutory instrument under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.

Member’s explanatory statement

This amendment provides for reimbursement of travel and accommodation costs incurred as a result of a person being detained, who subsequently is not subject to further action, and for compensation or replacement of property damaged or destroyed during detention.

Mr Ben Wallace

48

Schedule 4, page 78, line 30, at end insert—

“Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 196)

28A (1) In regulation 4(2) of the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (exceptions from requirement to make a determination in respect of an individual’s financial resources), after sub-paragraph (a) insert—

“(aa) is detained under Schedule 7 to the Terrorism Act 2000 or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2018;”.

- (2) Nothing in sub-paragraph (1) affects any power under the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) to revoke or amend any provision of the regulations amended by that sub-paragraph.

Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 201)

28B (1) In Schedule 2 to the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (advice and assistance)—

- (a) for the title to Part 2 substitute “Matters other than those relating to PACE, Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-Terrorism and Border Security Act 2018”;

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- (b) in the title to Part 3 after “matters” insert “, Schedule 7 to the Terrorism Act 2000 matters or Schedule 3 to the Counter-Terrorism and Border Security Act 2018 matters”;
 - (c) in note (1) to Table 1 in Part 3 (which refers to work relating to interviews conducted under the Police and Criminal Evidence (Northern Ireland) Order 1989), at the end insert “, Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-Terrorism and Border Security Act 2018”.
- (2) Nothing in sub-paragraph (1) affects any power under the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) to revoke or amend any provision of the Order amended by that sub-paragraph.”

Member’s explanatory statement

This amendment would ensure that provision of legal advice and assistance, and the remuneration payable for such advice and assistance, to persons detained in Northern Ireland under Schedule 7 to the Terrorism Act 2000, or under Schedule 3 to the Bill, is available in the same way as applies in relation to persons arrested and detained under the Police and Criminal Evidence (Northern Ireland) Order 1989.

Mr Ben Wallace

49

Schedule 4, page 80, line 27, at end insert—

“() in regulation 5 (notification of return), in paragraph (1), omit “for a period of three days or more”.”

Member’s explanatory statement

Regulation 5 of the Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements) Regulations 2009 requires a person to whom the notification requirements apply who leaves the United Kingdom for a period of three days or more to notify the police of the date of their return and the point of their arrival in the United Kingdom within three days of their return (if they did not notify this information before leaving the United Kingdom). This amendment would ensure that regulation 5 applies to a person who leaves the United Kingdom for any period of time instead of only for periods of three days or more.

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

Counter-Terrorism and Border Security Bill, *continued*

- (d) remove or block such content within 24 hours of receiving an external complaint of its existence on the provider's platforms.
- (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.

Neil Coyle

NC4

To move the following Clause—

“Review of the changing nature of terrorism reinsurance requirements

- (1) The Pool Reinsurance Company Limited must provide an annual report to the Secretary of State setting out—
 - (a) an assessment of the nature of terrorism reinsurance requirements; and
 - (b) any recommendations on how terrorism reinsurance arrangements should be amended to address terrorism reinsurance requirements.
- (2) The Secretary of State must lay the report and any recommendations made under subsection (1) before the House of Commons within three months of receipt.
- (3) The laying of the report and recommendations under subsection (2) must be accompanied by a statement by the Secretary of State responding to each recommendation made under subsection (1)(b).”

Member’s explanatory statement

This new clause would ensure that terrorism reinsurance arrangements are kept under annual review by Pool Re and would require the Secretary of State to respond to Pool Re’s recommendations in relation to terrorism reinsurance.

Counter-Terrorism and Border Security Bill, *continued*

Neil Coyle

NC5

To move the following Clause—

“Fundraising for victims of terrorism: restrictions on profits

- (1) Organisations that provide services for the purposes of raising donations shall not be entitled to profit from those services where the conditions in subsection (2) are met.
- (2) The conditions referred to in subsection (1) are that—
 - (a) the purpose of raising funds is wholly or substantially to support persons who have sustained a loss due to acts of terrorism; and
 - (b) the persons donating the funds are doing so without any expectation of personal benefit.
- (3) In this section “profits” means any income derived from providing services for the purposes of raising donation in excess of the cost of providing those services.”

Member’s explanatory statement

This new clause would mean that organisations such as online donation platforms would not be able to make a profit from supporting charitable fundraising for those affected by acts of terrorism.

Nick Thomas-Symonds

NC6

To move the following Clause—

“Continued participation in the European Arrest Warrant

- (1) It is an objective of the Government, in negotiating the withdrawal of the United Kingdom from the European Union, to seek continued United Kingdom participation in the European Arrest Warrant in relation to persons suspected of specified terrorism offences.
- (2) In this section, “specified terrorism offences” has the same meaning as Schedule 15 of the Criminal Justice Act 2003.”

Member’s explanatory statement

This new clause would require the Government to adopt the continued participation of the UK in the European Arrest Warrant in relation to people suspected of terrorist offences as a negotiating objective in the withdrawal negotiations with the European Union.

Counter-Terrorism and Border Security Bill, *continued*

Nick Thomas-Symonds

NC7

To move the following Clause—

“Continued participation in Eurojust and Europol

It is an objective of the Government, in negotiating the withdrawal of the United Kingdom from the European Union, to seek continued United Kingdom participation in Eurojust and Europol’s activities relating to preventing acts of terrorism.”

Stephen Doughty

NC8

To move the following Clause—

“Passenger data sharing by travel providers

- (1) Providers of travel services by air, sea or land for persons who embark or arrive in the United Kingdom, must transfer passenger name record data to relevant agencies within the United Kingdom, in advance of travel, provided that such data are collected by providers in the normal course of their business.
- (2) For the purposes of subsection (1) relevant agencies include, but are not limited to, United Kingdom—
 - (a) police forces,
 - (b) intelligence agencies, and
 - (c) border security and immigration control agencies.
- (3) The Secretary of State may by regulations made by statutory instrument set out—
 - (a) the specific types of minimum data required, which shall include names, dates of birth and passport or travel document information, required under subsection (1),
 - (b) arrangements and safeguards for handling of the data required, and the process for transferring of such data, required under subsection (1), and
 - (c) a restitution scheme to allow individuals to provide relevant information to protect against wrongful denial of travel.
- (4) The agencies listed in subsection (2) may compare the data obtained under subsection (1) against relevant law enforcement databases in order to identify persons that may have been convicted of terrorist offences, serious crime or hostile state activity.”

Member’s explanatory statement

This new clause would require the sharing of a minimum amount of passenger data by travel operators, for international transport beginning or ending in the UK, with relevant law enforcement agencies – in order to check this against relevant UK terrorism, hostile state activity, and criminal databases, to allow decisions to be made on whether to grant entry / exit. It also provides for restitution provisions to prevent wrongful denial of travel.

Counter-Terrorism and Border Security Bill, *continued*

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.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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ORDER OF THE COMMITTEE [26 JUNE 2018, AS AMENDED ON 3 JULY 2018]

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 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.
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