



# House of Commons

Tuesday 10 July 2018

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### COUNTER-TERRORISM AND BORDER SECURITY BILL

*[SEVENTH SITTING]*

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#### GLOSSARY

*This document shows the fate of each clause, schedule, amendment and new clause.*

*The following terms are used:*

*Agreed to:* agreed without a vote.

*Agreed to on division:* agreed following a vote.

*Negatived:* rejected without a vote.

*Negatived on division:* rejected following a vote.

*Not called:* debated in a group of amendments, but not put to a decision.

*Not moved:* not debated or put to a decision.

*Question proposed:* debate underway but not concluded.

*Withdrawn after debate:* moved and debated but then withdrawn, so not put to a decision.

*Not selected:* not chosen for debate by the Chair.

Gavin Newlands

*Negatived on division* 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

*Not called* 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

*Not called* 25

Schedule 3, page 47, line 29, leave out paragraph 26

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

Nick Thomas-Symonds

*Not called* 42

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

Stephen Doughty

*Not moved* 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.

*Schedule agreed to.**Clause 21 agreed to.*


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 Mr Ben Wallace
*Agreed to* 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.

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

*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”;
  - (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.”

Mr Ben Wallace

*Agreed to* 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”.”

*Schedule, as amended, agreed to.*

*Clauses 22 to 26 agreed to.*

Stephen Doughty

*Not moved* 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.

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**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).”
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Gavin Newlands

*Not called* 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.”
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Gavin Newlands

*Not called* 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),

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

- (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.”
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Neil Coyle

*Not called* 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).”
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Neil Coyle

*Negated on division* 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.”
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**Counter-Terrorism and Border Security Bill, continued**

Nick Thomas-Symonds

*Negatived on division* 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.”
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Nick Thomas-Symonds

*Not called* 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.”

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Stephen Doughty

*Withdrawn after debate* 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.

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

- (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.”

*Bill, as amended, to be reported.*

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