



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 28 June 2018

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: 26 to 45 and NC4 to NC7

PUBLIC BILL COMMITTEE

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Order of the Committee [26 June 2018].

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.

Nick Thomas-Symonds

28

★ Clause 12, page 13, line 18, at end insert—

- “(ba) that there are reasonable grounds for believing that the person to whom the warrant relates has committed an offence;”

Member’s explanatory statement

This amendment would require a police officer applying for a power to enter and search the home address of a person subject to notification requirements to demonstrate reasonable grounds for believing that the person has committed an offence.

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.

Nick Thomas-Symonds

29

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

- “(2A) The authority may not impose a charge where—
- (a) the order or notice is made in relation to an event which is a public procession or public assembly; and
 - (b) the event is taking place for one or more of the purposes set out in section 11(1) of the Public Order Act 1986.
- (2B) In subsection (2A), “public procession” and “public assembly” have the same meaning as in the Public Order Act 1986.”

Counter-Terrorism and Border Security Bill, continued

Nick Thomas-Symonds

30

- ★ Clause 14, page 16, line 33, leave out from “authorise” to “to” in line 34, and insert “another constable”.

Gavin Newlands

14

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

Nick Thomas-Symonds

34

- ★ Schedule 2, page 26, line 16, at end insert—
“(c) the Commissioner for the Retention and Use of Biometric Material has consented under section 63G to the retention of the material.”

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.

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.

Counter-Terrorism and Border Security Bill, continued

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.

Nick Thomas-Symonds

33

★ Schedule 2, page 35, line 17, at end insert—

“21 (1) A person whose biometric data is retained under the provisions of this schedule may apply to the Commissioner for the Retention and Use of Biometric Material (“the Commissioner”) for the destruction of that data when the conditions in sub-paragraph (2) are met.

(2) The conditions referred to in sub-paragraph (1) are—

(a) that the retention of the biometric data has not been previously authorised by the Commissioner or a court of law; and

(b) that the biometric data was taken from the person—

(i) in circumstances where the arrest or charging of the person was substantially due to a mistake, whether of identity, place or other material fact; or

(ii) the person was arrested but never charged for the relevant offence.

(3) On receiving an appeal under sub-paragraph (1), the Commissioner must seek representations from the chief officer of police in the area in which the biometric data was taken as to whether the data should be destroyed or not.

(4) The Commissioner must determine an appeal under sub-paragraph (1) within three months of receiving the appeal.”

Nick Thomas-Symonds

31

★ Clause 18, page 19, line 14, at end insert—

“(8) After section 39 (Power to amend Chapter 2), insert—

“39A Review of support for people vulnerable to being drawn into terrorism

(1) The Secretary of State must within 6 months of the passing of the Counter-Terrorism and Border Security Act 2018 make arrangements for an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism.

Counter-Terrorism and Border Security Bill, *continued*

- (2) The report and any recommendations of the review under subsection (1) must be laid before the House of Commons within 18 months of the passing of the Counter-Terrorism and Border Security Act 2018.
- (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 as part of the independent review.”

Nick Thomas-Symonds

32

★ Clause 18, page 19, line 14, at end insert—

- “(8) Within 6 months of the passing of this Act, the Secretary of State must conduct a review to establish whether local authorities have sufficient resources and expertise to effectively carry out their duties in supporting people vulnerable to being drawn into terrorism.
- (9) Within 12 months of the passing of this Act, the Secretary of State must lay the results of the review under subsection (8) before the House of Commons.”

Neil Coyle

45

★ Clause 19, page 19, line 19, leave out paragraph (b) and insert—

- “(b) *after paragraph (b) insert—*
- “(c) *the use of a motor vehicle during acts of terrorism; and*
- “(d) *any loss which falls within subsection (1A).”*”

Member’s explanatory statement

This amendment would ensure that personal injury sustained as a result of the use of a motor vehicle during acts of terrorism would be covered by terrorism reinsurance arrangements.

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.

Neil Coyle

26

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

- “(4) *Where an event occurs which the Secretary of State has grounds to believe may be an act of terrorism for the purposes of terrorism reinsurance, the Secretary of State within three days of the event make a statement that—*
- (a) *the event is or is not an act of terrorism for the purposes of terrorism reinsurance; or*

Counter-Terrorism and Border Security Bill, continued

- (b) *there is not yet enough evidence to make a statement under paragraph (a) and set a timeframe for when it is expected that such a statement is likely to be made.*”

Member’s explanatory statement

This amendment would require the Secretary of State to make a statement in relation to whether an event is an act of terrorism within three days of the event occurring, or else provide a statement of when such a statement is likely to be made.

Neil Coyle

27

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

“(4) *After section 2 of the Reinsurance (Acts of Terrorism) Act 1993 (Reinsurance arrangements to which this Act applies) insert—*

“2A Duty to advise on terrorism insurance

- (1) *Where the conditions in subsection (2) are met, an insurance provider has a duty to advise on the available insurance related to losses sustained as a result of acts of terrorism.*
- (2) *The conditions referred to in subsection (1) are—*
- (a) *that a person asks the insurance provider for advice in relation to insurance (whether related to terrorism or not); and*
 - (b) *that it seems to the insurance provider that the person may benefit from insurance in relation to a loss which is covered by terrorism reinsurance arrangements under this Act.*
- (3) *In this section, “insurance provider” means—*
- (a) *a person regulated by the Financial Conduct Authority or the Prudential Regulation Authority who sells insurance, or underwrites the risk of such insurance, or*
 - (b) *the agent of such a person.”*”

Member’s explanatory statement

This amendment would require insurance providers to advise on the insurance available in relation to losses sustained as a result of acts of terrorism.

Nick Thomas-Symonds

44

- ★ Schedule 3, page 35, line 37, leave out “whether or not there are” and insert “where there are reasonable”

Nick Thomas-Symonds

37

- ★ Schedule 3, page 36, line 7, at end insert—

“(6A) The Investigatory Powers Commissioner (“the Commissioner”) must be informed when a person is stopped under the provisions of this paragraph.

(6B) The Commissioner must make an annual report on the use of powers under this paragraph.”

Counter-Terrorism and Border Security Bill, *continued*

Nick Thomas-Symonds

35

- ★ Schedule 3, page 40, line 27, at end insert—
- “11A(1) This paragraph applies where—
- (a) an examining officer intends to retain an article under paragraph (2); and
 - (b) the person who owns or was carrying or transporting the article alleges that the article contains confidential material.
- (2) Where sub-paragraph (1) applies, the examining officer—
- (a) may not examine the article; and
 - (b) must immediately provide the article to the Investigatory Powers Commissioner (the “Commissioner”).
- (3) On receiving an article under sub-paragraph (2), the Commissioner must determine whether or not the article contains confidential material.
- (4) Where the Commissioner determines the article contains confidential material, the Commissioner may authorise the examination and retention of material in accordance with the provisions of paragraph 12(5).
- (5) Where the Commissioner determines the article does not contain confidential material, the Commissioner must return the article to the examining officer to determine whether the material should be retained under paragraph 11(2).”

Nick Thomas-Symonds

36

- ★ Schedule 3, page 40, line 31, at end insert—
- “(2A) The person who owns or was carrying or transporting an article which is retained under paragraph 11(2)(d) or (3) must be notified by the examining officer when the Commissioner is informed that the article has been retained.”

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)

Nick Thomas-Symonds

38

- ★ Schedule 3, page 46, line 27, leave out from “would” to the end of line 28 and insert “create an immediate risk of physical injury to any person or persons.”

Nick Thomas-Symonds

40

- ★ Schedule 3, page 46, line 28, at end insert—
- “(3A) Where the examining officer believes that there is an immediate risk of physical injury to any person or persons under subparagraph (3), they must allow the detainee to consult a solicitor by telephone.”

Counter-Terrorism and Border Security Bill, *continued*

- 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.”
- Nick Thomas-Symonds 39
- ★ Schedule 3, page 46, line 34, at end insert—
“(6A) leave out from “would” to the end of line 35 and insert “create an immediate risk of physical injury to any person or persons.”
- Nick Thomas-Symonds 41
- ★ Schedule 3, page 46, line 35, at end insert—
“(6A) Where the examining officer believes that there is an immediate risk of physical injury to any person or persons under subparagraph (6), they must allow the detainee to consult a solicitor by telephone.”
- 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”
-

Counter-Terrorism and Border Security Bill, *continued*

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.
- (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

Counter-Terrorism and Border Security Bill, *continued*

- (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.

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.

Counter-Terrorism and Border Security Bill, continued

- (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.

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.”

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

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.”

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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Counter-Terrorism and Border Security Bill, *continued*

ORDER OF THE COMMITTEE [26 JUNE 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 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:

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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