

COUNTER-TERRORISM AND BORDER SECURITY BILL: MEMORANDUM ON THE APPLICATION OF STANDING ORDER 830 OF THE STANDING ORDERS OF THE HOUSE OF COMMONS IN RESPECT OF THE LORDS AMENDMENTS TO THE BILL

Summary

1. The following is the Department's assessment of the application of Standing Order 830 (of the Standing Orders of the House of Commons relating to public business) in respect of the Lords amendments.

Amendments to clauses and Schedules included in the Bill as brought from the House of Commons

2. The Lords amendments to existing clauses of, or Schedules to, the Bill as brought forward from the House of Commons (HL Bill 131) would extend and apply as follows:
 - Lords amendment 1 to clause 3 would extend and apply to the whole of the United Kingdom;
 - Lords amendments 2 to 8 to clause 4 would extend and apply to the whole of the United Kingdom;
 - Lords amendments 9 to 11 to clause 6 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 13 to clause 19 would extend and apply to Great Britain;
 - Lords amendment 14 to clause 21 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 15 to clause 26 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 16 to Schedule 1 would extend and apply to the United Kingdom;
 - Lords amendments 17 to 41 to Schedule 3 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 42 to Schedule 4 would extend and apply to the whole of the United Kingdom.
3. None of these amendments would alter the territorial extent or application of the clause or Schedule in question or the analysis at Annex C to the Explanatory Notes to the Bill as brought from the House of Commons.

New clause inserted into the Bill in the House of Lords

4. The following new clause would extend and apply to the whole of the United Kingdom:
 - Lords amendment 12 – new clause *Persons detained under port and border control powers*.

5. The above assessment is presented in tabular form in the attached annex.

Home Office
16 January 2019

Provisions in the Bill amended in the House of Lords

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?
Lords amendment 1 to Clause 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendments 2 to 8 to Clause 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendments 9 to 11 to Clause 6	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendment 13 to Clause 19	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Lords amendment 15 to Clause 26	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendment 16 to Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendments 17 to 41 to Schedule 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendment 42 to Schedule 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendment 12 (new clause "Persons detained under port and border control powers")	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No