



# House of Commons

**Thursday 25 June 2020**

## **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: 35-42 and NC1*

## **COUNTER-TERRORISM AND SENTENCING 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Wednesday 24 June (Standing Order 83C):*

That—

- (1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 25 June) meet;
  - (a) at 2.00 pm on Thursday 25 June;
  - (b) at 9.25 am and 2.00 pm on Tuesday 30 June;
  - (c) at 11.30 am and 2.00 pm on Thursday 2 July;
  - (d) at 9.25 am and 2.00 pm on Tuesday 7 July;
  - (e) at 11.30 am and 2.00 pm on Thursday 9 July;
- (2) the Committee shall hear oral evidence in accordance with the following Table;

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**Counter-Terrorism and Sentencing Bill, *continued***
**TABLE**

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 25 June	Until no later than 12.30 pm	Jonathan Hall QC, Independent Reviewer of Terrorism Legislation
Thursday 25 June	Until no later than 13.00 pm	The National Police Chiefs' Council
Thursday 25 June	Until no later than 14.30 pm	Prison Reform Trust
Thursday 25 June	Until no later than 15.00 pm	The Northern Ireland Human Rights Commission
Thursday 25 June	Until no later than 15.30 pm	Law Society of Scotland
Thursday 25 June	Until no later than 16.00 pm	Professor Donald Grubin, Newcastle University
Tuesday 30 June	Until no later than 9.55 am	The Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers
Tuesday 30 June	Until no later than 10.25 am	The Tony Blair Institute for Global Change
Tuesday 30 June	Until no later than 10.55 am	Professor Andrew Silke, Cranfield University

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clause 2; Schedule 2; Clause 3; Schedule 3; Clauses 4 to 6; Schedule 4; Clauses 7 to 19; Schedule 5; Clauses 20 and 21; Schedule 6; Clauses 22 and 23; Schedule 7; Clauses 24 and 25; Schedule 8; Clauses 26 and 27; Schedule 9; Clause 28; Schedule 10; Clauses 29 to 36; Schedule 11; Clauses 37 to 45; Schedule 12; Clauses 46 to 48; Schedule 13; Clauses 49 to 53; 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 14 July.

*Chris Philp 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)*

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Chris Philp

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.

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**Counter-Terrorism and Sentencing Bill, continued**

Chris Philp

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

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Alex Cunningham

35

★ Clause 1, page 1, line 8, at end insert—

“(ab) In subsection (3), after “if” insert “the court has found beyond reasonable doubt that””

***Member’s explanatory statement***

*This amendment determines that a court must decide beyond reasonable doubt that an offence has a terrorist connection.*

Alex Cunningham

36

★ Clause 1, page 3, line 30, at end insert—

“(8) Before this section comes into force, the Secretary of State must commission an analysis of the impact of this section on people with protected characteristics, including but not limited to—

- (a) the impact on people from minority faith groups, including the numbers received into prison and the length of the sentence served;
- (b) the impact on people from BAME communities, including the numbers received into prison and the length of the sentence served; and
- (c) the consequences of any disproportionate impact on people with protected characteristics on efforts by the prison authorities to rehabilitate prisoners convicted of terrorism offences.

(9) A copy of the analysis must be laid before both Houses of Parliament.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to commission an analysis of the equality impact of extending the ability of the court to identify a terrorism connection.*

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Alex Cunningham

37

★ Clause 4, page 5, line 32, at end insert—

“(7) The pre-sentence report must—

- (a) take account of the offender’s age;
- (b) consider whether options other than a serious terrorism sentence might be more effective at—
  - (i) reducing the risk of serious harm to members of the public, or
  - (ii) rehabilitating the offender.

(8) The court must take account of any points made by the pre-sentence report in relation to the matters in subsection (7) and consider whether they constitute exceptional circumstances under subsection (2).”

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**Counter-Terrorism and Sentencing Bill, *continued***

Alex Cunningham

38

- ★ Clause 5, page 7, line 35, after “25 years.”, insert—
- “(5) Where—
- (a) a prisoner is subject to a licence for an extension period under this section, and
  - (b) the qualifying period has expired,
- the Secretary of State shall, if directed to do so by the National Probation Service, order that the licence is to cease to have effect.
- (6) Where—
- (a) the prisoner has been released on licence for an extension period under this section;
  - (b) the qualifying period has expired; and
  - (c) if the prisoner has made a previous application under this subsection, a period of at least twelve months has expired since the disposal of that application,
- the prisoner may make an application to the National Probation Service under this subsection.
- (7) Where an application is made under subsection (6) above, the National Probation Service—
- (a) shall, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
  - (b) shall otherwise dismiss the application.
- (8) In this section, “the qualifying period”, in relation to a prisoner who has been released on licence, means the period of ten years beginning with the date of his release.”
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Alex Cunningham

39

- ★ Clause 11, page 12, line 42, at end insert—
- “(7) Before this section comes into force, the Government must publish an analysis of the impact of the introduction of minimum term orders for terrorism offenders on sentencing for other offences.
- (8) A copy of the analysis must be laid before both Houses of Parliament.”
- Member’s explanatory statement***  
*This amendment requires the Government to publish an analysis of the impact of the minimum terms on sentencing for related offences.*
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Alex Cunningham

40

- ★ Clause 16, page 16, line 29, at end insert—
- “(4) Section 255 of the Sentencing Code is amended as follows.

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**Counter-Terrorism and Sentencing Bill, *continued***

- (5) After subsection (2) insert—
- “(3) The pre-sentence report must in the case of a serious terrorism offence under section 256(4)(b)(iii)—
- (a) take account of the offender’s age;
  - (b) consider whether options other than a serious terrorism sentence might be more effective at—
    - (i) reducing the risk of serious harm to members of the public, or
    - (ii) rehabilitating the offender.”
- (4) The court must take account of any points made by the pre-sentence report in relation to the matters in subsection (3).”
- (6) The Secretary of State must at least once a year conduct and lay before Parliament a review of the effectiveness of the provisions of this section and their impact upon offenders.
- (7) The report of the first review must be laid before Parliament within one year of this Act being passed.”
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Alex Cunningham

41

- ★ Clause 17, page 17, line 4, at end insert—
- “(4) Section 267 of the Sentencing Code is amended as follows.
- (5) After subsection (2) insert—
- “(2A) The pre-sentence report must in the case of a serious terrorism offence under section 268(4)(b)(iii)—
- (a) take account of the offender’s age;
  - (b) consider whether options other than a serious terrorism sentence might be more effective at—
    - (i) reducing the risk of serious harm to members of the public, or
    - (ii) rehabilitating the offender.
- (2B) The court must take account of any points made by the pre-sentence report in relation to the matters in subsection (2A).”
- (6) The Secretary of State must at least once a year conduct and lay before Parliament a review of the effectiveness of the provisions of this section and their impact upon offenders.
- (7) The report of the first review must be laid before Parliament within one year of this Act being passed.”
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**Counter-Terrorism and Sentencing Bill, *continued***

Alex Cunningham

42

★ Clause 21, page 18, line 23, at end insert—

- “(3) Before this section comes into force, the Secretary of State must conduct an analysis of the impact of this section on people with protected characteristics, including but not limited to—
- (a) the impact on people from minority faith groups, including the numbers received into prison and the length of the sentence served;
  - (b) the impact on people from BAME communities, including the numbers received into prison and the length of the sentence served; and
  - (c) the consequences of any disproportionate impact on people with protected characteristics on efforts by the prison authorities to rehabilitate prisoners convicted of terrorism offences.
- (4) A copy of the analysis must be laid before both Houses of Parliament.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to commission an analysis of the impact of extending sentences for offenders of particular concern on people with protected characteristics.*

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Chris Philp

10

☆ Schedule 13, page 102, line 22, at end insert—

*“Criminal Justice Act 1982 (c. 48)*

- 6A In section 32 of the Criminal Justice Act 1982 (early release of prisoners to make the best use of the places available for detention, subject to certain exceptions)—
- (a) in subsection (1)(a), after “protection” insert “, a serious terrorism sentence”;
  - (b) in subsection (1A), after paragraph (c) insert—
    - “(ca) references to a serious terrorism sentence are to a sentence under section 268A or 282A of the Sentencing Code;”.

*Mental Health Act 1983 (c. 20)*

- 6B In section 37 of the Mental Health Act 1983 (as amended by the Sentencing Act 2020) (power of courts to order hospital admission etc)—
- (a) in subsection (1A), for “273, 274” substitute “268A, 273, 274, 282A”;
  - (b) in subsection (1B), after paragraph (a) insert—
    - “(aa) a sentence falls to be imposed under section 268A or 282A of that Code if it is required by section 268B(2) or 282B(2) of that Code and the court is not of the opinion there mentioned;”.

***Member’s explanatory statement***

*This amendment excludes an offender serving a serious terrorism sentence from the possibility of early release under the Criminal Justice Act 1982 and provides that a requirement to impose a serious terrorism sentence does not prevent a court from ordering the offender’s detention in hospital in cases where the offender suffers from a mental disorder.*

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**Counter-Terrorism and Sentencing Bill, continued**

Chris Philp

11

☆ Schedule 13, page 103, line 16, at end insert—

“(9) In section 264(7) (as amended by the Sentencing Act 2020) (application of provisions about consecutive sentences of imprisonment to sentences of detention), for “or 266” substitute “, 266 or 268A”.”

**Member’s explanatory statement**

*This amendment ensures that the provisions in section 264 of the Criminal Justice Act 2003 (dealing with treatment of consecutive sentences) will apply in relation to serious terrorism sentences including such sentences of detention in a young offender institution.*

Chris Philp

12

☆ Schedule 13, page 103, line 23, at end insert—

“(1A) In section 15 (committal for sentence of dangerous adult offenders)—

(a) after subsection (1) insert—

“(1A) This section also applies where—

(a) on the summary trial of an offence specified in Schedule 17A triable either way a person is convicted of the offence, and

(b) the court is of the opinion that the circumstances are such that a serious terrorism sentence (see section 268A or 282A) may be required to be imposed.”;

(b) in subsection (6), for “a specified offence” substitute “an offence”.

(1B) In section 59(2) (provisions to which duty to follow sentencing guidelines is subject), after paragraph (g) insert—

“(ga) sections 268B and 282B (requirement to impose serious terrorism sentence);”.

(1C) In section 61 (sentencing guidelines: extended sentences and life sentences)—

(a) in the heading, after “extended sentences” insert “, serious terrorism sentences”;

(b) after subsection (2) insert—

*Serious terrorism sentence: determination of appropriate custodial term*

(2A) Subsection (2B) applies where a court is required to impose a serious terrorism sentence for an offence.

(2B) In determining the appropriate custodial term for the purposes of section 268C(2)(b) or 282C(2)(b) (serious terrorism sentences: appropriate custodial term exceeding 14-year minimum), section 60 applies to the court as it applies to a court in determining the sentence for an offence.”

(1D) In section 120(2)(a) (exceptions to the general power to fine offender convicted on indictment), after sub-paragraph (ii) (but before the final “or”) insert—

“(iia) paragraph (ba) (serious terrorism sentences).”.

**Member’s explanatory statement**

*This amendment make amendments to certain provisions in the Sentencing Code, which are consequential on the introduction of the new serious terrorism sentence.*

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**Counter-Terrorism and Sentencing Bill, *continued***

Chris Philp

13

- ☆ Schedule 13, page 104, line 10, at end insert—  
 “(4A) In section 262(3) (circumstances in which detention in young offender institution required), after “mentioned in” insert “—  
 (a) section 399(ba) (serious terrorism sentences);  
 (b) ”.”

***Member’s explanatory statement***

*This amendment make an amendment to section 262 of the Sentencing Code consequential on the introduction of the new serious terrorism sentence.*

Chris Philp

14

- ☆ Schedule 13, page 104, line 27, leave out paragraph (a).  
***Member’s explanatory statement***  
*This amendment removes an unnecessary consequential amendment.*

Chris Philp

15

- ☆ Schedule 13, page 105, line 6, leave out paragraph (a).  
***Member’s explanatory statement***  
*This amendment removes an unnecessary consequential amendment.*

Chris Philp

16

- ☆ Schedule 13, page 106, line 11, at end insert—  
 “*Rehabilitation of Offenders Act 1974 (c. 53)*  
 10A In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of England and Wales (as amended by the Sentencing Act 2020) (rehabilitation periods for particular sentences)—  
 (a) in subsection (1)(d), after “or section 250” insert “or 252A”;  
 (b) in subsection (8)(f), before “of the Sentencing Code” insert “or 252A”.”

***Member’s explanatory statement***

*This amendment and amendments 17, 18, 20 to 22, 24 and 27 to 29 add consequential amendments to ensure that young offenders given the new type of sentence introduced by clause 22(2) are treated in the same way, for various statutory purposes, as those serving an ordinary sentence of youth detention.*

Chris Philp

17

- ☆ Schedule 13, page 106, line 23, at end insert—  
 “*Criminal Justice and Public Order Act 1994 (c. 33)*  
 12A In section 25(5) of the Criminal Justice and Public Order Act 1994 (as amended by the Sentencing Act 2020) (restriction of bail for certain offenders: interpretation), in paragraph (a) of the definition of “the relevant enactments”, after “250” insert “or 252A”.”

***Member’s explanatory statement***

*See the explanatory statement for amendment 16.*



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**Counter-Terrorism and Sentencing Bill, continued**

Chris Philp

18

☆ Schedule 13, page 106, line 25, at beginning insert—

“(1) The Crime and Disorder Act 1998 is amended as follows.

(2) In section 38(4) (as amended by the Sentencing Act 2020) (youth justice services to be provided by local authorities), in paragraph (i), after “250,” insert “252A.”

(3) In section 41(5)(i) (as amended by the Sentencing Act 2020) (accommodation that may be provided under agreement with the Youth Justice Board), in subparagraph (ii), after “250,” insert “252A.””

***Member’s explanatory statement***

*See the explanatory statement for amendment 16.*

Chris Philp

19

☆ Schedule 13, page 106, line 25, leave out “of the Crime and Disorder Act 1998”.

***Member’s explanatory statement***

*This amendment is consequential on amendment 18.*

Chris Philp

20

☆ Schedule 13, page 106, line 32, at end insert—

*“Criminal Justice and Court Services Act 2000 (c. 43)*

13A (1) The Criminal Justice and Court Services Act 2000 is amended as follows.

(2) In section 62(5) (as amended by the Sentencing Act 2020) (sentences in relation to which electronic monitoring conditions may be imposed on release), in paragraph (d), after “250” insert “or 252A”.

(3) In section 62A(4) (as amended by the Sentencing Act 2020) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (b), after “250” insert “or 252A”.

(4) In section 64(5) (as amended by the Sentencing Act 2020) (sentences in relation to which drug testing requirement may be imposed on release), in paragraph (d), after “250” insert “or 252A”.

(5) In section 64A(8) (as amended by the Sentencing Act 2020) (power to require attendance at drug testing appointment: interpretation), in paragraph (c) of the definition of “sentence of imprisonment”, after “250” insert “or 252A”.

***Member’s explanatory statement***

*See the explanatory statement for amendment 16.*

Chris Philp

21

☆ Schedule 13, page 106, line 36, at end insert—

*“Sexual Offences Act 2003 (c. 42)*

14A In section 131 of the Sexual Offences Act 2003 (as amended by the Sentencing Act 2020) (application of notification requirements and orders to young offenders), in paragraph (h), after “250” insert “, 252A”.

***Member’s explanatory statement***

*See the explanatory statement for amendment 16.*

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**Counter-Terrorism and Sentencing Bill, *continued***

Chris Philp

22

- ☆ Schedule 13, page 107, line 21, at end insert—

“(6A) In section 263(4) (as amended by the Sentencing Act 2020) (sentences of detention to which provision about concurrent terms applies), after “250,” insert “252A.””

***Member’s explanatory statement***

*See the explanatory statement for amendment 16.*

Chris Philp

23

- ☆ Schedule 13, page 107, line 22, leave out from “264” to “after” on line 23 and insert “(as amended by the Sentencing Act 2020) (consecutive sentences)—

(a) in subsection (6A)(a).”

***Member’s explanatory statement***

*This amendment is consequential on amendment 24.*

Chris Philp

24

- ☆ Schedule 13, page 107, line 24, at end insert—

“(b) in subsection (7), after “250,” insert “252A.”

- (8) In section 327(3) (as amended by the Sentencing Act 2020) (sentences attracting risk assessment measures for sexual or violent offenders), in paragraph (b)(v), after “250” insert “or 252A”.

***Domestic Violence, Crime and Victims Act 2004 (c. 28)***

- 15A In section 45(1) of the Domestic Violence, Crime and Victims Act 2004 (as amended by the Sentencing Act 2020) (victims’ representations and information: interpretation), in the definition of “relevant sentence”, after “250” insert “or 252A”.

***Member’s explanatory statement***

*See the explanatory statement for amendment 16.*

Chris Philp

25

- ☆ Schedule 13, page 107, line 26, at beginning insert—

“(1) The Armed Forces Act 2006 is amended as follows.”

***Member’s explanatory statement***

*This amendment is consequential on amendment 27.*

Chris Philp

26

- ☆ Schedule 13, page 107, line 26, leave out “of the Armed Forces Act 2006”.

***Member’s explanatory statement***

*This amendment is consequential on amendment 27.*

**Counter-Terrorism and Sentencing Bill, continued**

Chris Philp

27

☆ Schedule 13, page 107, line 29, at end insert—

“(3) In section 213(3A) (as substituted by the Sentencing Act 2020) (application of section 253 of the Sentencing Code), after “250” insert “or 252A”.

(4) In section 227(3) (as amended by the Sentencing Act 2020) (minimum sentence for certain firearms offences), after “250” insert “or 252A”.

**Member’s explanatory statement***See the explanatory statement for amendment 16.*

Chris Philp

28

☆ Schedule 13, page 107, line 36, at end insert—

*“Counter-Terrorism Act 2008 (c. 28)*

17A In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences attracting notification requirements), after paragraph (via) (but before the final “or”) insert—

“(vib) detention under section 252A of the Sentencing Code (special sentence for terrorist offenders of particular concern aged under 18).”

**Member’s explanatory statement***See the explanatory statement for amendment 16.*

Chris Philp

29

☆ Schedule 13, page 110, line 36, at end insert—

*“Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)*

18A In regulation 5(1) of the Children (Secure Accommodation) Regulations 1991 (as amended by the Sentencing Act 2020) (custodial sentences disapplying section 25 of the Children Act 1989), before “or 259” insert “, 252A”.

*Youth Justice Board for England and Wales Order 2000 (S.I. 2000/1160)*

18B In article 4(2) of the Youth Justice Board for England and Wales Order 2000 (as amended by the Sentencing Act 2020) (functions exercisable by the Youth Justice Board concurrently with the Secretary of State)—

(a) in paragraph (a), before “or 259” insert “, 252A”;

(b) in paragraph (m)(ii), before “or 259” insert “, 252A”.

*Child Benefit (General) Regulations 2006 (S.I. 2006/223)*

18C In regulation 1(3) of the Child Benefit (General) Regulations 2006 (as amended by the Sentencing Act 2020) (interpretation of Regulations), in paragraph (a) of the definition of “penalty”, after “250,” insert “252A,”.

*Employment and Support Allowance Regulations 2008 (S.I. 2008/794)*

18D In regulation 160(5) of the Employment and Support Allowance Regulations 2008 (as amended by the Sentencing Act 2020) (exceptions from disqualification for imprisonment: interpretation), in paragraph (c), after “250” insert “, 252A”.

**Counter-Terrorism and Sentencing Bill, continued***Employment and Support Allowance Regulations 2013 (S.I. 2013/379)*

- 18E In regulation 96(6) of the Employment and Support Allowance Regulations 2013 (as amended by the Sentencing Act 2020) (exceptions from disqualification for imprisonment: interpretation), in paragraph (c), after “250” insert “, 252A”.

*Children (Secure Accommodation) (Wales) Regulations 2015 (S.I. 2015/1988 (W.298))*

- 18F In regulation 14(a) of the Children (Secure Accommodation) (Wales) Regulations 2015 (as amended by the Sentencing Act 2020) (sentences of detention disapplying section 119 of the Social Services and Well-being (Wales) Act 2014), after “250” insert “, 252A”.

**Member’s explanatory statement**

See the explanatory statement for amendment 16.

Chris Philp

30

☆ Schedule 13, page 110, line 36, at end insert—

“PART 4A

AMENDMENTS IN RELATION TO SENTENCING UNDER SERVICE LAW

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 18G (1) The Rehabilitation of Offenders Act 1974 is amended as follows.  
 (2) In section 5 as it forms part of the law of England and Wales (rehabilitation periods for particular sentences)—  
 (a) in subsection (1)(d), after “or section 209” insert “or 224B”;  
 (b) in subsection (8), in paragraph (f) of the definition of “custodial sentence”, after “209” insert “or 224B”.

*Criminal Justice Act 1982 (c. 48)*

- 18H In section 32(1A) of the Criminal Justice Act 1982 (sentences excluded from early release of prisoners to make the best use of the places available for detention), in paragraph (ca) (inserted by Part 2 of this Schedule), at the end insert “, including a sentence passed as a result of section 219ZA of the Armed Forces Act 2006”.

*Crime and Disorder Act 1998 (c. 37)*

- 18I (1) The Crime and Disorder Act 1998 is amended as follows.  
 (2) In section 38(4) (youth justice services to be provided by local authorities), in paragraph (i), for “or 222” substitute “, 222 or 224B”.  
 (3) In section 41(5)(i) (accommodation that may be provided under agreement with the Youth Justice Board), in sub-paragraph (ii), for “or 222” substitute “, 222 or 224B”.

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 18J (1) The Criminal Justice and Court Services Act 2000 is amended as follows.  
 (2) In section 62(5) (sentences in relation to which electronic monitoring conditions may be imposed on release), in paragraph (g), for “or 218” substitute “, 218 or 224B”.

**Counter-Terrorism and Sentencing Bill**, *continued*

- (3) In section 62A(4) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (c), after “209” insert “or 224B”.
- (4) In section 64(5) (sentences in relation to which drug testing requirement may be imposed on release), in paragraph (g), for “or 218” substitute “, 218 or 224B”.
- (5) In section 64A(8) (power to require attendance at drug testing appointment: interpretation), in paragraph (f) of the definition of “sentence of imprisonment”, after “209” insert “or 224B”.

*Sexual Offences Act 2003 (c. 42)*

- 18K In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), in paragraph (h), for “or 218” substitute “, 218 or 224B”.

*Criminal Justice Act 2003 (c. 44)*

- 18L In section 237(1B) of the Criminal Justice Act 2003 (as amended by the Sentencing Act 2020) (service sentences to be treated as equivalent sentences in England and Wales) —
- (a) omit the “and” before paragraph (e);
  - (b) at the end of that paragraph insert—
    - “(f) references to a sentence of detention under section 252A of the Sentencing Code include a sentence of detention under section 224B of that Act;
    - (g) references to a sentence under section 268A or 282A of the Sentencing Code include such a sentence passed as a result of section 219ZA of that Act.”

*Armed Forces Act 2006 (c. 52)*

- 18M(1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 188 (power to pass consecutive custodial sentences), in subsections (2)(b) and (4)(b), after “209” insert “or 224B”.
  - (3) In section 209 (sentence of detention for offender aged under 18), after subsection (7) insert—
 

“(8) This section does not apply if the Court Martial is required to impose a sentence of detention under section 224B.”
  - (4) In section 210 (place and conditions of youth detention), after “209”, in each place it occurs (including in the heading), insert “or 224B”.
  - (5) In section 211(4) (cases in which detention and training order not required), after “221A” insert “, 224B”.
  - (6) In section 213(3A) (as substituted by the Sentencing Act 2020 and as amended by Part 4 of this Schedule) (application of section 253 of the Sentencing Code), after “209” insert “or 224B”.
  - (7) In section 219A(1) (availability of extended sentence for certain violent, sexual or terrorism offences), after paragraph (d) (but before the final “and”) insert—
 

“(da) the court is not required—

    - (i) by section 268B(2) of the Sentencing Code (as applied by section 219ZA(4) of this Act) to impose a serious terrorism sentence of detention in a young offender institution for the offence or for an offence associated with it;

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**Counter-Terrorism and Sentencing Bill, *continued***

- (ii) by section 282B(2) of the Sentencing Code (as applied by section 219ZA(7) of this Act) to impose a serious terrorism sentence of imprisonment for the offence or for an offence associated with it;”.
- (8) In section 223 (meaning of “the required opinion”)—
- (a) after subsection (1) insert—
- “(1A) “The required opinion” for the purposes of section 219ZA is the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of—
- (a) further serious terrorism offences or other specified offences; or
- (b) further acts or omissions that would be serious terrorism offences or other specified offences if committed in England or Wales.”;
- (b) in subsection (4) (as amended by the Sentencing Act 2020), after the definition of “serious harm” insert—
- ““serious terrorism offence” has the meaning given by that section;”.
- (9) In section 224A (special custodial sentence for offenders of particular concern)—
- (a) in subsection (1) (as amended by the Sentencing Act 2020), in paragraph (d)—
- (i) omit the “or” at the end of sub-paragraph (i);
- (ii) after sub-paragraph (ii) insert “, or
- (iii) a serious terrorism sentence of detention or imprisonment under section 268A or 282A of the Sentencing Code (as applied by section 219ZA of this Act).”;
- (b) after subsection (3) insert—
- “(3A) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1A) to have been committed on the last of those days.”
- (10) In section 227(3) (as amended by the Sentencing Act 2020) (minimum sentence for certain firearms offences), for the words from “, the reference” to the end substitute “—
- (a) the reference to a sentence of detention under section 250 of that Code is to be read as a reference to a sentence of detention under section 209 of this Act, and
- (b) the reference to a sentence of detention under section 252A of that Code is to be read as a reference to a sentence of detention under section 224B of this Act.”
- (11) In section 238(6) (as inserted by the Sentencing Act 2020) (offences aggravated by terrorist connection)—
- (a) omit the “and” at the end of paragraph (a);
- (b) after paragraph (a) insert—
- “(aa) the reference in subsection (4)(c) to an offence not specified in Schedule A1 includes a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is not specified in Schedule A1, and”;

**Counter-Terrorism and Sentencing Bill, continued**

- (c) in paragraph (b), for “(1)” substitute “(5)(b)”.
- (12) In section 246 (crediting of time in custody), in subsection (6)(a), after “209” insert “or 224B”.
- (13) In section 256(1)(c) (cases where pre-sentence report to be considered), after “219(1),” insert “219ZA(1)(d),”.
- (14) In section 260 (as amended by the Sentencing Act 2020) (discretionary custodial sentences: general restrictions) —
- (a) in subsection (1)—
- (i) for “This section applies” substitute “Subsection (2) applies”;
- (ii) after paragraph (c) insert—
- “(ca) falls to be imposed under section 268A or 282A of the Sentencing Code as a result of section 219ZA (serious terrorism sentences);”;
- (b) in subsection (4B), before paragraph (a) insert—
- “(za) section 268C(2) or 282C(2) of the Sentencing Code, as applied by section 219ZA of this Act (serious terrorism sentences for offenders aged 18 or over),”.
- (15) In section 261 (as amended by the Sentencing Act 2020) (length of discretionary custodial sentences: general), in subsection (1), after paragraph (b)—
- “(ba) section 268A or 282A of the Sentencing Code as a result of section 219ZA (serious terrorism sentences),”.
- (16) In section 262A (as inserted by the Sentencing Act 2020) (application of section 329 of the Sentencing Code)—
- (a) after subsection (2) insert—
- “(2A) In subsection (4A)—
- (a) paragraph (a) has effect as if, for “252A”, there were substituted “224B of the Armed Forces Act 2006”;
- (b) paragraph (b) has effect as if, after “265”, there were inserted “passed as a result of section 224A of the Armed Forces Act 2006”;
- (c) the words after paragraph (b) have effect as if, after “278”, there were inserted “passed as a result of section 224A of the Armed Forces Act 2006”.”;
- (b) after subsection (3) insert—
- “(3A) Subsection (5A) has effect as if, at the end, there were inserted “passed as a result of section 219ZA(7) of the Armed Forces Act 2006.”;
- (c) in subsection (4)—
- (i) after the paragraph (a) treated as substituted in subsection (7) of section 329 of the Sentencing Code insert—
- “(aa) a sentence of detention under section 224B of that Act;”;
- (ii) after the paragraph (d) treated as substituted in subsection (7) of section 329 of the Sentencing Code insert—
- “(da) a serious terrorism sentence of detention in a young offender institution (see section 219ZA(4) of the Armed Forces Act 2006);”.
- (17) In section 374 (interpretation of Act), in the definition of “custodial sentence” (as amended by the Sentencing Act 2020), in paragraph (b), for “or 221A” substitute “, 221A or 224B”.

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**Counter-Terrorism and Sentencing Bill, *continued***
*Sentencing Act 2020*

- 18N (1) The Sentencing Act 2020 is amended as follows.
- (2) In section 225 (restriction on consecutive sentences for released prisoners), in subsection (3)(c)(vi), after “209” insert “or 224B”.
  - (3) In section 241 (period of detention and training under detention and training order), in subsections (6)(b)(ii) and (7)(c), after “209” insert “or 224B”.
  - (4) In section 248(4) (meaning of “relevant sentence of detention”), in paragraph (c), after “209” insert “or 224B”.
  - (5) In Schedule 27 (transitional provision and savings), in paragraph 16(2), for the words from “, the reference” to the end substitute “—
    - (a) the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 266 or 279 of the Sentencing Code includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003;
    - (b) the reference in section 224B(1)(c)(ii) to an extended sentence of detention under section 254 of the Sentencing Code includes a reference to an extended sentence of detention under section 226B of the Criminal Justice Act 2003.”

***Member’s explanatory statement***

*This amendment makes amendments to enactments which are consequential on the provisions of Schedule 8 to the Bill (changes to the sentencing regime under service law corresponding to those made to the sentencing regimes in England and Wales, Scotland and Northern Ireland).*

Chris Philp

31

☆ Schedule 13, page 116, line 7, at end insert—

*“Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))*

- 30A In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (as amended by Part 8 of this Schedule) (length of custodial sentences to be reduced for periods already spent in custody), after “Article” insert “13A(6).”

*Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

- 30B In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as amended by Part 8 of this Schedule) (rehabilitation periods for particular sentences), in paragraph (9)(b), after “Article” insert “13A(6) or”.

*Mental Health (Northern Ireland) Order 1986 (S.I. 1985/595 (N.I. 4))*

- 30C In Article 44(1A) of the Mental Health (Northern Ireland) Order 1986 (sentences requirement to impose which does not prevent making of hospital or guardianship order), in sub-paragraph (c), after “13” insert “, 13A”.

*Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*

- 30D (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 2(2) (meaning of expressions), in paragraph (b) of the definition of “custodial sentence”, after “13(4)(b)” insert “, 13A(6)”.
  - (3) In Article 4(1) (power to grant absolute or condition discharge subject to certain sentencing requirements), after “13” insert “, 13A”.



**Counter-Terrorism and Sentencing Bill, continued**

- (4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), after “13” insert “, 13A”.
- (5) In Article 13(1) (power to make community service order subject to sentencing requirements), after “13” insert “, 13A”.
- (6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), after “13” insert “, 13A”.

*Counter-Terrorism Act 2008 (c. 28)*

- 30E In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iii) insert—

“(iia) a serious terrorism sentence under Article 13A(6) of that Order (offenders under 21 convicted of certain serious terrorist or terrorism-related offences),”.

**Member’s explanatory statement**

*This amendment makes amendments to various enactments which are consequential on the introduction of the new serious terrorism sentence in Northern Ireland by clause 7.*

Chris Philp

32

☆ Schedule 13, page 117, line 24, at end insert—

*“Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))*

- 31A In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (length of custodial sentences to be reduced for periods already spent in custody), after “14(5)” insert “or 15A(5)”.

*Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

- 31B In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for particular sentences), in paragraph (9)(b), after “centre” insert “, a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008”.

*Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*

- 31C (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 2(2) (meaning of expressions), in paragraph (b) of the definition of “custodial sentence”, for “or 14(5)” substitute “, 14(5) or 15A(5)”.
  - (3) In Article 4(1) (power to grant absolute or condition discharge subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.
  - (4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.
  - (5) In Article 13(1) (power to make community service order subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.
  - (6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), for “or 14” substitute “, 14 or 15A”.

*Sexual Offences Act 2003 (c. 42)*

- 31D In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), after paragraph (l) of that section as it forms part of the law of England and Wales and Scotland, and after

**Counter-Terrorism and Sentencing Bill, continued**

paragraph (m) of that section as it forms part of the law of Northern Ireland, insert—

“(n) a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008”.

*Counter-Terrorism Act 2008 (c. 28)*

31E In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iv) insert—

“(iva) a sentence under Article 15A(5) of that Order (offenders under 21 convicted of certain terrorist or terrorism-related offences),”.

**Member’s explanatory statement**

*This amendment adds consequential amendments to ensure that young offenders given the new type of sentence introduced in Northern Ireland by clause 24 are treated in the same way, for various statutory purposes, as those serving an ordinary sentence of youth detention.*

Chris Philp

33

☆ Schedule 13, page 119, line 34, at end insert—

*Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))*

35 (1) In section 55(2) of the Justice Act (Northern Ireland) 2016 (prisoners who may be removed early from prison if liable to removal from the United Kingdom), for the words from “serving an” to the end substitute “—

(a) who is serving an extended custodial sentence under Article 14 of the 2008 Order, or

(b) to whom Article 20A of that Order applies.”

(2) In the case of a person—

(a) who has been removed from prison under section 55(2) of the Justice Act (Northern Ireland) 2016 before the amendment made by sub-paragraph (1) comes into force, and

(b) to whom Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies,

subsection (3) of that section continues to apply to the person despite that amendment, but as if for the words “has served the requisite custodial period” there were substituted “becomes entitled to be released in accordance with Article 20A of the 2008 Order”.

**Member’s explanatory statement**

*This amendment excludes terrorist prisoners subject to the restricted regime for early release in Northern Ireland introduced by clause 30 from early removal from prison for the purpose of removal from the United Kingdom.*

Chris Philp

34

☆ Schedule 13, page 119, line 34, at end insert—

*Parole Commissioners’ Rules (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 82)*

36 (1) The Parole Commissioners’ Rules (Northern Ireland) 2009 are amended as follows.

(2) In rule 2(1) (application of the rules), after “Articles 18” insert “, 20A”.

**Counter-Terrorism and Sentencing Bill, continued**

- (3) In rule 7(2) (persons who may act as representatives of prisoner only with consent of Chief Commissioner), in paragraph (b), for the words from “sentenced to” to the end substitute “who —
- (i) is on licence having been released under Article 18 or 20A of the 2008 Order, or
  - (ii) is a person to whom Article 18 or 20A of that Order applies and who is on licence having been released under Article 20 of that Order;”.
- (4) In rule 25 (application of rules to recalled life, indeterminate and extended custodial prisoners)—
- (a) in the heading after “custodial” insert “and terrorist”;
  - (b) in the words before paragraph (a), for “an indeterminate custodial or extended custodial prisoner’s case” substitute “the case of a prisoner who was released on licence under Article 18 or 20A of the 2008 Order”.
- (5) In rule 26 (short custodial terms)—
- (a) for paragraph (1) substitute—
 

“(1) Subject to paragraph (2), where—

    - (a) the Department of Justice refers to the Commissioners—
      - (i) the case of an extended custodial prisoner under Article 18 of the 2008 Order, or
      - (ii) the case of any prisoner under Article 20A of that Order, and
    - (b) the relevant part of the prisoner’s sentence is less than 26 weeks;

these rules shall apply subject to the modifications made by rule 25(a).”;
  - (b) after paragraph (2) insert—
 

“(3) For the purposes of paragraph (1)(b), the “relevant part of the sentence”—

    - (a) in the case of an extended custodial prisoner to whom Article 18 of the 2008 Order applies, means one half of the appropriate custodial term of the sentence as defined by Article 14(4) or 14(6) of that Order;
    - (b) in the case of a prisoner to whom Article 20A of that Order applies, has the meaning given by paragraph (9) of that Article;

and in determining the length of that part any reduction required by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 is to be taken into account.””

***Member’s explanatory statement***

*This amendment makes amendments to Parole Commissioners’ Rules (Northern Ireland) 2009 which are consequential on the new arrangements for restricted early release of terrorist prisoners provided for in clause 30 of the Bill.*

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**Counter-Terrorism and Sentencing Bill, *continued***

Chris Philp

1

☆ Clause 50, page 41, line 30, at end insert—

“(7) In the Criminal Justice and Court Services Act 2000—

(a) in section 77 (supplementary and consequential provision), at the end insert—

“(3) The provision which may be made under subsection (1) in relation to section 61 of this Act (abolition of sentence of detention in young offender institution etc) also includes provision amending or repealing—

(a) any provision of the Counter-Terrorism and Sentencing Act 2020,

(b) any provision of an enactment that was inserted or amended by, or by regulations made under, the Counter-Terrorism and Sentencing Act 2020.”;

(b) in section 78(2) (meaning of “enactment”), after “in this Part” insert “other than section 77(3).”

***Member’s explanatory statement****This enables the power in section 77 of the Criminal Justice and Court Services Act 2000 to make amendments consequential on the abolition by that Act of sentences of detention in young offender institutions to be used to deal with references to such sentences inserted by the provisions of this Bill.*

Chris Philp

2

☆ Clause 52, page 42, line 8, at end insert “, except as mentioned in subsection (3)(zf)”

***Member’s explanatory statement****This amendment is consequential on amendment 8.*

Chris Philp

3

☆ Clause 52, page 42, line 23, leave out sub-paragraph (vii) and insert—

“(vii) Parts 8 and 9 of that Schedule.”

***Member’s explanatory statement****This amendment and amendment 7 correct a drafting error and provide that Part 8 of Schedule 13, which makes amendments consequential on clause 24 of the Bill, comes into force at the same time as clause 24.*

Chris Philp

4

☆ Clause 52, page 42, line 26, at end insert “, except as mentioned in subsection (3)(za)”

***Member’s explanatory statement****This amendment is consequential on amendment 8.*

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**Counter-Terrorism and Sentencing Bill, *continued***

Chris Philp

5

- ☆ Clause 52, page 42, line 30, leave out “18” and insert “10”  
*Member’s explanatory statement*  
*This amendment is consequential on amendment 8.*

Chris Philp

6

- ☆ Clause 52, page 42, line 30, at end insert—  
 “(ea) section 11, except as mentioned in subsection (3)(zb);  
 (eb) sections 12 to 14;  
 (ec) section 15, except as mentioned in subsection (3)(zc);  
 (ed) section 16, except as mentioned in subsection (3)(zd);  
 (ee) sections 17 and 18, except as mentioned in subsection (3)(ze);”  
*Member’s explanatory statement*  
*This amendment is consequential on amendment 8.*

Chris Philp

7

- ☆ Clause 52, page 42, line 46, leave out sub-paragraph (iii) and insert—  
 “(iii) Part 7 of that Schedule.”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 3.*

Chris Philp

8

- ☆ Clause 52, page 43, line 2, at end insert—  
 “(za) section 1 (and Schedule 1), as they have effect for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);  
 (zb) section 11, as it has effect for the purposes of section 323 of the Sentencing Code as applied by section 261A of the Armed Forces Act 2006 (as inserted by the Sentencing Act 2020);  
 (zc) section 15, as it has effect for the purposes of Schedule 18 to the Sentencing Code as applied by sections 219A and 221A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);  
 (zd) section 16, as it has effect for the purposes of section 256 of the Sentencing Code as applied by section 221A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);  
 (ze) sections 17 and 18, as they have effect for the purposes of sections 268 and 281 of the Sentencing Code as applied by section 219A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);  
 (zf) section 21 (and Schedule 6), as they have effect for the purposes of Schedule 13 to the Sentencing Code as applied by section 224A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);”  
*Member’s explanatory statement*  
*This amendment provides for certain of the sentencing provisions of the Bill to be brought into force by regulations so far as they apply for the purposes of service law.*

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**Counter-Terrorism and Sentencing Bill, continued**

Chris Philp

9

☆ Clause 52, page 43, line 4, at end insert—

“(c) Part 4A of Schedule 13 (and section 48 to the extent that it relates to that Part).”

**Member’s explanatory statement**

*This amendment provides for the new Part 4A of Schedule 13 (see amendment 30) to come into force by regulations made by the Secretary of State (reflecting the position for the provisions to which the amendments made by new Part 4A relate).*

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 Alex Cunningham

NC1

★ To move the following Clause—

**“Review of deradicalization programmes in prisons**

- (1) Within one year of this Act being passed, the Secretary of State must publish and lay before Parliament a comprehensive review of the impact of the provisions of this Act on the effectiveness and availability of deradicalization programmes in prisons.
- (2) The review must include an assessment of the following matters—
  - (a) the effectiveness of existing programmes at reducing radicalization and terrorist offending;
  - (b) how individuals are assessed for their suitability for a programme;
  - (c) the number of individuals assessed as requiring a place on a programme;
  - (d) the number of individuals assessed as not requiring a place on a programme;
  - (e) the average length of time individuals assessed as requiring a place on a programme have to wait to start a programme; and
  - (f) whether there is sufficient capacity and resource to meet demand for places on deradicalization programmes in prisons.
- (3) The review must consider how the provisions of this Act have affected the matters listed in subsection (2).”

**Member’s explanatory statement**

*This new clause requires a review of the impact of the Act on deradicalization programmes in prisons.*

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**Counter-Terrorism and Sentencing Bill, *continued***

ORDER OF THE HOUSE [9 JUNE 2020]

That the following provisions shall apply to the Counter-Terrorism and Sentencing 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 14 July 2020.
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 proceedings on Consideration 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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