



# House of Commons

Tuesday 7 July 2020

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### COUNTER-TERRORISM AND SENTENCING BILL

*[FIRST TO EIGHTH SITTINGS]*

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*Withdrawn after debate:* moved and debated but then withdrawn, so not put to a decision.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

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*[FIRST AND SECOND SITTING]*

Chris Philp

*Agreed to*

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.

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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.

*Agreed to*

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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.

*Agreed to*

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*The following witnesses gave oral evidence:*

*Jonathan Hall QC, Independent Reviewer of Terrorism Legislation*

*Assistant Chief Constable Tim Jacques, Deputy Senior National Coordinator for Counter Terrorism Policing*

*Peter Dawson, Director, Prison Reform Trust*

*Les Allamby, Chief Commissioner, and Dr Hannah Russell, Director of Legal, Research and Investigations, and Advice to Government, Northern Ireland Human Rights Commission*

*Michael Clancy, Director, Law Reform, Law Society of Scotland*

*Professor Donald Grubin, Professor of Forensic Psychiatry, Newcastle University*

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*[THIRD AND FOURTH SITTINGS]*

*The following witnesses gave oral evidence:*

*Mark Fairhurst, National Chair, The Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers*

*Professor Ian Acheson, Senior Advisor, Counter Extremism Project, The Tony Blair Institute for Global Change*

*Professor Andrew Silke, Professor of Terrorism, Risk and Resilience, Cranfield Forensic Institute, Cranfield University*

Alex Cunningham

*Withdrawn after debate 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””

Alex Cunningham

*Withdrawn after debate 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.”

*Clause agreed to.*

*Schedule 1 agreed to.*

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

*Clause 2 agreed to.*

*Schedule 2 agreed to.*

*Clause 3 agreed to.*

*Schedule 3 agreed to.*

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Alex Cunningham

*Negatived on division 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).”

*Clause agreed to.*

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Alex Cunningham

*Withdrawn after debate 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;

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

- (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.”

*Clause agreed to.*

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Joanna Cherry  
Kenny MacAskill

*Withdrawn after debate* 43

Clause 6, page 8, line 10, at end insert—

“(ea) the court does not impose an order for lifelong restriction under section 210F of the Criminal Procedure (Scotland) Act 1995, and”

Alex Cunningham

*Not called* 45

Clause 6, page 9, line 20, leave out subsection (11) and insert—

“(11) In forming an opinion for the purposes of subsections (1)(d) and (6), the court must consider a report by a relevant officer of a local authority about the offender and the offender’s circumstances.

(11A) Where the offender is under 21 years of age, the report must—

(a) take account of the offender’s age; and

(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;

and the court must take these factors into account when forming its opinion under subsection (6).

(11B) In considering the report, the court must, if it thinks it necessary, hear the relevant officer.”

*Clause agreed to.*

*Schedule 4 agreed to.*

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Alex Cunningham

*Not called* 46

Clause 7, page 10, line 13, at end insert—

“(2A) Where the offender is under the age of 21, in forming an opinion for the purposes of paragraph (2), the court must consider and take into account a pre-sentence report within the meaning of Article 4 which must—

(a) take account of the offender’s age; and

(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

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

- (ii) rehabilitating the offender.”

*Clause agreed to.*

*Clauses 8 to 10 agreed to.*

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*[FIFTH AND SIXTH SITTINGS]*

Alex Cunningham

*Withdrawn after debate* 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.”

*Clause agreed to.*

*Clauses 12 to 15 agreed to.*

Alex Cunningham

*Withdrawn after debate* 40

Clause 16, page 16, line 29, at end insert—

- “(4) Section 255 of the Sentencing Code is amended as follows.
- (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 an extension period of eight to ten years 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.”

*Clause agreed to.*

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

Alex Cunningham

*Not called* 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 an extension period of eight to ten years 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.”

*Clause agreed to.**Clauses 18 and 19 agreed to.**Schedule 5 agreed to.**Clause 20 agreed to.*

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Alex Cunningham*Not called* 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.”

*Clause agreed to.**Clause 22 agreed to.**Schedule 6 agreed to.*

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

*Clauses 22 and 23 agreed to.*

*Schedule 7 agreed to.*

*Clauses 24 and 25 agreed to.*

*Schedule 8 agreed to.*

*Clauses 26 and 27 agreed to.*

*Schedule 9 agreed to.*

*Clause 28 agreed to.*

*Schedule 10 agreed to.*

*Clauses 29 and 31 agreed to.*

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Joanna Cherry  
Kenny MacAskill

*Withdrawn after debate* 48

Clause 32, page 28, line 22, at the end insert—

“(b) In subsection (1) at the end insert—

“( ) The regulations under section 35(1) of the Counter-Terrorism and Sentencing Act 2020 must include provision that the following must not be used in evidence against the released person in any proceedings for an offence—

- (a) any statement made by the released person while participating in a polygraph session, or
- (b) any physiological reaction of the released person while being questioned in the course of a polygraph examination.”

*Clause agreed to.*

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Joanna Cherry  
Kenny MacAskill

*Not called* 49

Clause 33, page 29, line 41, leave out “may” and insert “must”

*Clause agreed to.*

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

Joanna Cherry  
Kenny MacAskill

Clause 34, page 31, line 13, leave out “may” and insert “must”

*Not called* 50

*Clause agreed to.*

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Joanna Cherry  
Kenny MacAskill

Clause 35, page 33, line 8, after “State” insert “after consulting with Scottish Ministers and the Department of Justice”

*Withdrawn after debate* 51

Joanna Cherry  
Kenny MacAskill

Clause 35, page 33, line 12, after “State” insert “after consulting with Scottish Ministers and the Department of Justice”

*Not called* 52

Joanna Cherry  
Kenny MacAskill

Clause 35, page 33, line 17, after “qualifications” insert “training”

*Not called* 53

Joanna Cherry  
Kenny MacAskill

Clause 35, page 33, line 19, after “keeping” insert “and confidentiality”

*Not called* 54

Joanna Cherry  
Kenny MacAskill

Clause 35, page 33, line 43, after “State” insert “after consulting with Scottish Ministers and the Department of Justice”

*Not called* 55

Alex Cunningham

★ Clause 35, page 34, line 4, leave out from “an instrument” to end of line 5 and insert “may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

*Not selected* 63

*Clause agreed to.*

*Clause 36 agreed to.*

*Schedule 11 agreed to.*

Counter-Terrorism and Sentencing Bill, *continued**[SEVENTH AND EIGHTH SITTINGS]*

Conor McGinn

*Withdrawn after debate* 69

Clause 37, page 34, line 25, leave out ““has reasonable grounds for suspecting”.”  
and insert “, on the basis of reasonable and probable grounds, believes”

Joanna Cherry  
Kenny MacAskill

*Not called* 58

Clause 37, page 34, line 26, leave out “suspecting” and insert “believing”

Joanna Cherry  
Kenny MacAskill

*Not selected* 59

Page 34, line 22, leave out Clause 37

*Clause agreed to.*

Conor McGinn

*Withdrawn after debate* 60

Clause 38, page 34, line 31, at end insert—  
“(za) in subsection (3)(a), for “and D” substitute “, D and E”;

Conor McGinn

*Withdrawn after debate* 61

Clause 38, page 34, line 31, at end insert—  
“(za) for subsection (3)(a), substitute—  
    “(a) may be extended under subsection (2) only if—  
        (i) the Secretary of State believes on the balance of probabilities that the individual is, or has been, involved in terrorism-related activity;  
        (ii) conditions C and D are met.””

Joanna Cherry  
Kenny MacAskill

*Not called* 64

Clause 38, page 34, line 31, at end insert—  
“(za) in subsection (3)(a), after “met” insert “and the court gives the Secretary of State permission”;  
(zb) after subsection (3)(a), insert “(ab) In determining the extension, the court must apply the principles applicable on an application for judicial review.”

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

Conor McGinn

*Withdrawn after debate* 67

Clause 38, page 34, line 33, at end insert—

“(ab) after subsection (3)(b) insert—

- “(3A) Where a TPIM notice has been extended under subsection (3), the Secretary of State must review, at 6 monthly intervals, whether it is appropriate to issue a revocation notice under section (13)(1).
- (3B) A review under subsection 3A will include a memorandum to—
- (a) the chief officer of the relevant police force;
  - (b) the Security Service,
  - (c) the Secret Intelligence Service, and
  - (d) the Government Communications Headquarters
- outlining a tailored exit strategy.
- (3C) A “tailored exit strategy” under subsection (3B) shall include—
- (a) an assessment of the individual’s current security threat, which must include an assessment of the current evidence and investigative steps as provided by the bodies listed in subsection (3B);
  - (b) a plan for agencies and public services to engage with the individual to promote rehabilitation for the duration of the TPIM; and
  - (c) a plan for how TPIM measures may be removed if no new evidence of terrorist related activity is provided.”

Conor McGinn

*Withdrawn after debate* 68

Clause 38, page 34, line 35, at end insert—

“(3A) After section 10 (Criminal investigations into terrorism-related activity) insert—

*“Report on terrorism-related activity*

- 10A (1) The chief officer of the appropriate police force must produce a report to—
- (a) the Secretary of State; and
  - (b) the Intelligence and Security Committee of Parliament, as set out in section (1) of the Justice and Security Act 2013.
- (2) A report under subsection (1) must address the—
- (a) current evidence, and
  - (b) investigative steps that—
    - (i) have been, and
    - (ii) may still be takenin relation to the TPIM.
- (3) A report under subsection (1) must be produced two years after the imposition or extension of a TPIM.
- (4) Section (3) (Reports of the ISC) of the Justice and Security Act 2013 is amended as follows.

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

(5) After subsection (3)(1) insert—

“(1A) An annual report to Parliament must contain a statement as to whether it is satisfied with the content of a report produced under section (10A) of the Terrorism Prevention and Investigation Measures Act 2011.”

(6) In this section—

(a) “appropriate police force”;

(b) “chief officer”; and

(c) “police force”

have the meaning as set out in section 10.”

Joanna Cherry  
Kenny MacAskill

*Not selected* **65**

Page **34**, line **27**, leave out Clause 38

*Clause agreed to.*

*Clause 39 agreed to.*

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Conor McGinn

*Withdrawn after debate* **70**

Clause **40**, page **36**, line **31**, at end insert—

“(c) after paragraph (1)(5) insert—

“(5A) Where the Secretary of State has imposed on an individual a requirement to reside at a specified residence which is shared with another individual or individuals, the Secretary of State shall provide for an assessment to be made of the suitability of these individuals to reside together.””

Joanna Cherry  
Kenny MacAskill

*Not selected* **66**

Page **36**, line **27**, leave out Clause 40

*Clause agreed to.*

*Clauses 40 to 45 agreed to.*

*Schedule 12 agreed to.*

*Clause 46 agreed to.*

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

Conor McGinn

*Negatived on division* 62

Clause 47, page 40, line 17, leave out subsection (1) and insert—

- “(1) In section 20(9) of the Counter-Terrorism and Border Security Act 2019 (support for persons vulnerable to being drawn into terrorism) for the words from “within the period” to the end substitute “by 1 July 2021”.”

*Clause agreed to.**Clause 48 agreed to.*

Chris Philp

*Agreed to* 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;”.

Chris Philp

*Agreed to* 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”.”

Counter-Terrorism and Sentencing Bill, *continued*

Chris Philp

*Agreed to* 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),”.

Chris Philp

*Agreed to* 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) ”.”

Chris Philp

*Agreed to* 14

Schedule 13, page 104, line 27, leave out paragraph (a)

Chris Philp

*Agreed to* 15

Schedule 13, page 105, line 6, leave out paragraph (a)

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

Chris Philp

*Agreed to* 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”.

Chris Philp

*Agreed to* 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”.

Chris Philp

*Agreed to* 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,”.

Chris Philp

*Agreed to* 19

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

Chris Philp

*Agreed to* 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”.

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

- (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”.

Chris Philp

*Agreed to* 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”.

Chris Philp

*Agreed to* 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.”

Chris Philp

*Agreed to* 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),”

Chris Philp

*Agreed to* 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”.

Chris Philp

*Agreed to* 25

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

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

Chris Philp

*Agreed to* 26

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



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

Chris Philp

*Agreed to* 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”.”

Chris Philp

*Agreed to* 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).”

Chris Philp

*Agreed to* 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”.

Chris Philp

*Agreed to* 47

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”.  
 (3) In section 62A(4) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (c), after “209” insert “or 224B”.

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

- (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;
- (ii) by section 282B(2) of the Sentencing Code (as applied by section 219ZA(7) of this Act) to impose a

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

- 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) insert—
- “(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);”.

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

- (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”.

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

- 18N In paragraph 5(1)(a)(iv) of Schedule 6 to the Counter-Terrorism Act 2008 (service sentences of youth detention attracting notification requirements for terrorist offenders), after “209” insert “or 224B”.

*Sentencing Act 2020*

- 18O (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.””

Chris Philp

*Agreed to* **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”.

**Counter-Terrorism and Sentencing Bill, continued***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”.
  - (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),”.

Chris Philp

*Agreed to* **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”.

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

*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 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).”

Chris Philp

*Agreed to* 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”.

Chris Philp

*Agreed to* 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”.



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**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.””

*Schedule, as amended, agreed to.*

*Clause 49 agreed to.*

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

Chris Philp

*Agreed to 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)”

*Clause, as amended, agreed to.**Clause 51 agreed to.*

Chris Philp

*Agreed to 2*

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

Chris Philp

*Agreed to 3*

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

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

Chris Philp

*Agreed to 4*

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

Chris Philp

*Agreed to 5*

Clause 52, page 42, line 30, leave out “18” and insert “10”

Chris Philp

*Agreed to 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);”

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

Chris Philp

*Agreed to* 7

Clause 52, page 42, line 46, leave out sub-paragraph (iii) and insert—  
“(iii) Part 7 of that Schedule.”

Chris Philp

*Agreed to* 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);”

Joanna Cherry  
Kenny MacAskill

*Not called* 56

Clause 52, page 43, line 4, after “32” leave out “to” and insert “, 34 and”

Chris Philp

*Agreed to* 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).”

Joanna Cherry  
Kenny MacAskill

*Not called* 57

Clause 52, page 43, line 4, at end insert—  
“(3A) Section 33 comes into force on such day as Scottish Ministers may by regulations appoint.”

*Clause, as amended, agreed to.*

*Clause 53 agreed to.*

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

Alex Cunningham

*Negatived on division* 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).”
- 

Alex Cunningham

*Withdrawn after debate* NC2

To move the following Clause—

**“Review of effects on women**

- (1) The Secretary of State must, within three years of this Act being passed, lay before Parliament a review of the effects of the provisions of this Act on women.
  - (2) That review must detail any differential effects on women in—
    - (a) sentencing;
    - (b) release of terrorist offenders; and
    - (c) the prevention and investigation of terrorism.
  - (3) The review must consider the impact of imprisonment under this Act on the physical and mental health of women.
  - (4) The review may make recommendations for further changes to legislation, policy and guidance.”
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**Counter-Terrorism and Sentencing Bill, *continued***

Alex Cunningham

*Withdrawn after debate* NC3

To move the following Clause—

**“Financial impact assessment report**

- (1) The Secretary of State must, within three years of this Act being passed, lay before Parliament a report on the financial impact of the provisions of this Act.
- (2) That report must separately consider the financial impact of—
  - (a) extended sentences on the prison estate;
  - (b) extended licence periods;
  - (c) any increased staffing resources required for Her Majesty’s Prison and Probation Service;
  - (d) the extended offenders of particular concern regime; and
  - (e) adding polygraph testing to certain offenders’ licence conditions.
- (3) The report may consider other financial matters.
- (4) The report must compare the financial impact of the Act with the Impact Assessment for the Counter-Terrorism and Sentencing Bill published by the Ministry of Justice on 18 May 2020.”

Alex Cunningham

*Withdrawn after debate* NC4

To move the following Clause—

**“Role of the Parole Board**

- (1) The Secretary of State must make an oral statement to the House of Commons on the effects of the provisions of this Act on the functions of the Parole Board.
- (2) That statement must be made before the provisions relating to—
  - (a) life or indeterminate sentences for serious terrorism offences, and
  - (b) removal or restriction of early release for terrorist prisoners come into force.
- (3) The statement must explain—
  - (a) the intended role for the Parole Board in the release of prisoners affected by the matters in subsection (2);
  - (b) what, if any, expert assessment of such prisoners will be undertaken before they are released;
  - (c) who will carry out any such expert assessments;
  - (d) whether any steps will be taken to compensate for any loss of intelligence gathering from a reduction in Parole Board interviews.”

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

Joanna Cherry  
Kenny MacAskill

*Withdrawn after debate* NC5

To move the following Clause—

**“Review of effects on children and young offenders**

- (1) The Secretary of State must, within one year of this Act being passed, lay before Parliament a review of the effects of the provisions of this Act on children and young offenders.
- (2) That review must detail any differential effects on children and young offenders in—
  - (a) sentencing;
  - (b) release of terrorist offenders; and
  - (c) the prevention and investigation of terrorism.
- (3) The review must consider the impact of imprisonment under this Act on the physical and mental health of children and young offenders.
- (4) The review must consider the influences on children and young offenders who commit offences under this Act, including but not limited to—
  - (a) the internet;
  - (b) peer-pressure; and
  - (c) vulnerability.
- (5) When conducting a review under this section, the Secretary of State must consult with Scottish Ministers.
- (6) The review may make recommendations for further changes to legislation, policy and guidance.
- (7) For the purposes of this section, young offenders include adults aged under 25.”

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Alex Cunningham

*Not called* NC6

To move the following Clause—

**“Reports on polygraph licence conditions for terrorist offenders**

- (1) Before section 32 comes into force the Secretary of State must lay before Parliament a report in accordance with subsection (4).
- (2) Before section 33 comes into force the Scottish Ministers must lay before the Scottish Parliament a report in accordance with subsection (4).
- (3) Before section 34 comes into force the Department of Justice must lay before the Northern Ireland Assembly a report in accordance with subsection (4).
- (4) The form of the reports is an analysis of the expected impact of the appropriate section of this Act 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;
  - (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; and

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

- (d) the impact on people with physical and mental disabilities.
- (5) No later than the anniversary of the appropriate section coming into force in each subsequent year, the Secretary of State, Scottish Ministers and Department of Justice must each lay a further report updating the analysis under subsection (4).”
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Conor McGinn

*Withdrawn after debate* NC7

To move the following Clause—

**“Review of legislation: Northern Ireland**

- (1) On an annual basis from the day of this Act being passed, a report that reviews the application of the provisions of this Act in Northern Ireland must be published and laid before both Houses of Parliament by the Secretary of State.
- (2) Annual reports under subsection (1) must be produced in consultation with the Northern Ireland Minister for Justice and the Northern Ireland Executive ”
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Conor McGinn

*Withdrawn after debate* NC8

To move the following Clause—

**“Lone terrorists: Review of strategy**

- (1) The Secretary of State must commission a review and publish a report on the effectiveness of current strategies to deal with lone terrorists.
- (2) A review under subsection (1) must be conducted by a person who meets the criteria for qualification for appointment to the Supreme Court, as set out in section 25 of the Constitutional Reform Act 2005.
- (3) A review under subsection (1) must consider—
- (a) counter-terrorism policy;
  - (b) sentencing policy as it applies to terrorist offenders;
  - (c) the interaction and effectiveness of public services with respect to incidents of lone terrorist attacks.
- (4) For the purposes of subsection (3)(c), “public services” includes but is not limited to—
- (a) probation;
  - (b) the prison system;
  - (c) mental health services;
  - (d) local authorities; and
  - (e) housing providers.
- (5) The Secretary of State must lay a copy of the report before Parliament.

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

- (6) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

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Alex Cunningham

*Withdrawn after debate* NC9

To move the following Clause—

**“Assessment of the mental health of individuals serving a sentence affected by this Act**

- (1) Where an individual is serving a sentence affected by this Act, they must be subject to an annual assessment of their mental health for the duration of their sentence and their term on licence.
- (2) Where an assessment under subsection (1) indicates—
- (a) a mental health condition; or
  - (b) a deterioration in a mental health condition since the previous assessment the Secretary of State must take measures to treat such a mental health condition.”

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Alex Cunningham

*Withdrawn after debate* NC10

To move the following Clause—

**“Review of legislation: National Probation Service**

- (1) Within 18 months of enactment, the Secretary of State must commission a review and publish a report on the impact of the provisions in the Act on the National Probation Service.
- (2) A review under subsection (1) must consider—
- (a) the probation support provided to offenders convicted for terrorist offences;
  - (b) how probation support provided to offenders convicted for terrorist offences has varied since implementation of this Act;
  - (c) the—
    - (i) type; and
    - (ii) number
 of specialist staff employed by the National Probation Service to work with terrorist offenders.
  - (d) the—
    - (i) training;
    - (ii) assessed skill level; and
    - (iii) assessed experience
 of specialist staff employed by the National Probation Service to work with terrorist offenders;
  - (e) the turnover of probation staff;
  - (f) the average length of service of probation staff;



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

- (g) the non-staff resources provided to manage offenders convicted for terrorist offences; and
  - (h) the adequacy of the operating budget of the National Probation Service.
- (3) A report under subsection (1) may make recommendations to improve the probation support to terrorist offenders.
  - (4) Where a report has made recommendations under subsection (4), the Secretary of State shall respond within 2 months.
  - (5) The Secretary of State must lay a copy of the report under subsection (1) before Parliament.
  - (6) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”
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Alex Cunningham

*Withdrawn after debate* NC11

To move the following Clause—

**“Review of legislation: Effectiveness of inter-agency cooperation**

- (1) The Secretary of State must commission a review and publish a report on the effectiveness of agencies working to manage an individual who is serving a sentence affected by this Act.
  - (2) A review under subsection (1) must consider—
    - (a) the effectiveness of the transition when an individual who is serving a sentence affected by this Act is transferred from the responsibility of one agency to another;
    - (b) the procedural safeguards that are put in place to ensure an effective transition; and
    - (c) the processing and transfer of information and intelligence from one agency to another.
  - (3) For the purposes of this section “agencies” includes but is not limited to—
    - (a) police;
    - (b) the prison system;
    - (c) intelligence services;
    - (d) probation services;
    - (e) mental health services;
    - (f) local authorities; and
    - (g) housing providers.
  - (4) The Secretary of State must lay a copy of the report before Parliament.
  - (5) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”
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**Counter-Terrorism and Sentencing Bill, *continued***

Alex Cunningham

*Not called* NC12

To move the following Clause—

**“Additional provision in relation to polygraphs when applicable to individuals under 25**

- (1) Where, in accordance with section 28 of the Offender Management Act 2007, as it applies to terrorist offenders, or Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011, a polygraph session is required of an individual aged between 18 and 25, that polygraph session must be attended by a counsellor.
- (2) For the purposes of this section, a counsellor is a person who can assess the appropriateness of the application of the polygraph session and support the person to which the polygraph condition has been applied.
- (3) Where the counsellor has concerns about the appropriateness of a polygraph session, these shall be reported to the Secretary of State.
- (4) The Secretary of State shall lay in Parliament a report that includes—
  - (a) a summary of the concerns raised by counsellors on an annual basis; and
  - (b) a description of the actions proposed or taken to address the concerns raised.”

*Bill, as amended, to be reported.*

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