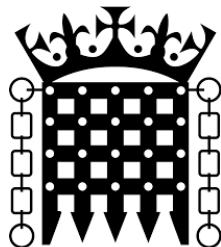


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House of Commons

Tuesday 21 July 2020

CONSIDERATION OF BILL (REPORT STAGE)

*New Amendments handed in are marked thus **

☆ Amendments which will comply with the required notice period at their next appearance

**COUNTER-TERRORISM AND SENTENCING BILL,
AS AMENDED**

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

All line references relate to the large font accessible version of the Bill

Alex Cunningham

NC1

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) the—
 - (i) type; and
 - (ii) number of specialist staff employed by the National Probation Service to work with terrorist offenders.
 - (c) 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;
 - (d) the turnover of probation staff;

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(e) the average length of service of probation staff;

(f) the non-staff resources provided to manage offenders convicted for terrorist offences; and

(g) 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 (3), 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.”

Member’s explanatory statement

This new clause requires a review of the impact of the Act on the National Probation Service.

All line references relate to the large font accessible version of the Bill

Alex Cunningham

NC2

To move the following Clause—

“Review of deradicalisation programmes in prisons

- (1) Within three years 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 deradicalisation programmes in prisons.
- (2) The review must include an assessment of—
 - (a) the effectiveness of existing programmes at reducing radicalisation 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;

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- (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 deradicalisation programmes in prisons.”

Member’s explanatory statement

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

Alex Cunningham

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;

All line references relate to the large font accessible version of the Bill

- (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.

(5) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make an oral statement in the House of Commons on his plan to address the financial and non-financial issues identified in the report.”

Member's explanatory statement

This new clause requires a review of the financial impact of the Act.

All line references relate to the large font accessible version of the Bill

Alex Cunningham

NC4

To move the following Clause—

“Report on extended sentences for terrorist offenders: Scotland

(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

(2) After section 210A(4) insert—

“(4A) The report under section 210A(4), where it applies to a person convicted on indictment of a terrorism offence, must—

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

(b) consider whether options other than an extended sentence might be more effective at—

(i) reducing the risk of serious harm to members of the public, or

(ii) rehabilitating the offender.

(4B) The court must take account of any points made by the report in relation to the matters in subsection (4A).”

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- (3) 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.
- (4) The report of the first review must be laid before Parliament within one year of this Act being passed.”

Alex Cunningham

NC5

To move the following Clause—

“Report on extended custodial sentences for terrorist offenders: Northern Ireland

- (1) The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (extended custodial sentences) is amended as follows.

- (2) In Article 9, after paragraph (2), insert—

All line references relate to the large font accessible version of the Bill

“(2A) The pre-sentence report under paragraph (2), where it applies to a person convicted on indictment of a terrorism offence, must—

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

(b) consider whether options other than an extended custodial 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 report in relation to the matters in paragraph (2A).”

(3) 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.

(4) The report of the first review must be laid before Parliament within one year of this Act being passed.”

All line references relate to the large font accessible version of the Bill

Joanna Cherry

NC6

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

All line references relate to the large font accessible version of the Bill

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.”

Member’s explanatory statement

This new clause would require the Secretary of State to review the effects of these measures on children and young offenders. It would also require the Secretary of State to consult with Scottish ministers when conducting the review.

All line references relate to the large font accessible version of the Bill

Keir Starmer

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.”

Member’s explanatory statement

This new clause ensures that all measures in the Bill as they pertain to Northern Ireland shall be reviewed annually with the Northern Ireland Minister for Justice and the Northern Ireland Executive, and a report shall be published and laid before both Houses of Parliament.

All line references relate to the large font accessible version of the Bill

Keir Starmer

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—

All line references relate to the large font accessible version of the Bill

- (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.
- (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.”

Member’s explanatory statement

This new clause ensures that the Government orders a judge-led review into the effectiveness of current strategies to deal with lone terrorists including, but not exclusively, current counterterrorism and sentencing policy.

All line references relate to the large font accessible version of the Bill

Ms Harriet Harman

NC9

To move the following Clause—

“Review of polygraph testing on terrorist offenders

- (1) Before sections 32 to 35 come into force, the Secretary of State must, within 6 months of this Act being passed, conduct a pilot of the use of polygraph testing on terrorist offenders.
- (2) The outcome of the pilot must be reported to Parliament within 12 months of this Act being passed.
- (3) This report must include—
 - (a) data on the number of terrorist offenders who have been subject to polygraph testing during the pilot;
 - (b) an explanation of how the results of polygraph tests have been used during the pilot;
 - (c) an analysis of the effect polygraph testing has had on the licence conditions of terrorist offenders;

All line references relate to the large font accessible version of the Bill

(d) data on the number of terrorist offenders who were recalled to prison on the basis of polygraph test results;

(e) a recommendation from the Secretary of State as to whether sections 32 to 35 should enter into force following the pilot; and

(f) evidence of independent research on the reliability and value of polygraph testing of terrorist offenders.”

Member’s explanatory statement

This new clause requires the Secretary of State to conduct a pilot test of the use of polygraph testing on terrorist offenders and report the outcome to Parliament, in addition to setting out evidence for the reliability of polygraph tests based on independent research.

Daisy Cooper

NC10

To move the following Clause—

“Review of sections 1 to 31

(1) The Secretary of State must arrange for an independent review of the impact of sections 1 to

All line references relate to the large font accessible version of the Bill

31 of this Act to be carried out in relation to the initial one-year period.

- (2) The Secretary of State must, after consultation with the Independent Reviewer of Terrorism Legislation, appoint a person with professional experience relating to the imprisonment for offences of terrorism to conduct the review.
- (3) The review must be completed as soon as practicable after the end of the initial one-year period.
- (4) As soon as practicable after a person has carried out the review in relation to a particular period, the person must—
 - (a) produce a report of the outcome of the review, and
 - (b) send a copy of the report to the Secretary of State.
- (5) The Secretary of State must lay before each House of Parliament a copy of the report under subsection (4)(b) within one month of receiving the report.

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(6) In this section, “initial one-year period” means the period of one year beginning with the day on which this Act is passed.”

Member’s explanatory statement

This new clause would require an independent review of the impact of sections 1 to 31 of the Act to be conducted after one year.

Alex Cunningham

30

Clause 4, page 12, line 27, 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

All line references relate to the large font accessible version of the Bill

they constitute exceptional circumstances under subsection (2).”

Secretary Robert Buckland

6

Clause **6**, page **19**, line **2**, at end insert—

“(ea) the court does not make an order for lifelong restriction,”

Member’s explanatory statement

This amendment provides that a court may not impose a new serious terrorism sentence on an offender if it makes an order for lifelong restriction in respect of the offender.

Alex Cunningham

31

Clause **6**, page **22**, leave out lines 1 to 9, 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.

All line references relate to the large font accessible version of the Bill

- (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.”

Alex Cunningham

32

Clause **7**, page **24**, line **7**, 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—

All line references relate to the large font accessible version of the Bill

- (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.”
-

Secretary Robert Buckland

7

Clause 9, page 28, line 7, after “is” insert “making an order for lifelong restriction to which section 205ZB applies in respect of an offender or”

Member's explanatory statement

This amendment enables a court making an order for lifelong restriction in a terrorism case to take into account a plea of guilty by the offender when specifying the punishment part and to reduce it so that it is no less than 80% of the term that would otherwise be required.

All line references relate to the large font accessible version of the Bill

Secretary Robert Buckland

8

Clause **12**, page **31**, line **18**, at end insert “, or
(ii) makes an order for lifelong restriction in respect of the person.”

Member’s explanatory statement

This amendment requires the court to specify as the punishment part of an order for lifelong restriction a period of at least 14 years.

Alex Cunningham

33

Clause **16**, page **40**, line **16**, 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—

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- (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.”

Alex Cunningham

34

Clause **17**, page **41**, line **13**, at end insert—

“(4) Section 267 of the Sentencing Code is amended as follows.

(5) After subsection (2) insert—

All line references relate to the large font accessible version of the Bill

“(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.”

All line references relate to the large font accessible version of the Bill

Secretary Robert Buckland

9

Clause **23**, page **48**, line **10**, after “convicted” insert “on indictment”

Member’s explanatory statement

This amendment provides that the new terrorism sentence may be imposed only when an offender is convicted on indictment.

Secretary Robert Buckland

10

Clause **23**, page **48**, line **15**, at end insert—

- “(ai) a sentence of imprisonment for life to which section 205ZB applies,
- (bi) a sentence of imprisonment for life to which section 205ZB does not apply but which is imposed for a terrorism offence,
- (ci) a sentence of detention for life to which section 205ZB applies,
- (di) a sentence of detention for life to which section 205ZB does not apply but which is imposed for a terrorism offence,
- (ei) an order for lifelong restriction to which section 205ZB applies,

All line references relate to the large font accessible version of the Bill

(fi) an order for lifelong restriction to which section 205ZB does not apply but which is imposed for a terrorism offence,”

Member’s explanatory statement

This amendment and Amendments 11 and 12 set out by reference to a list of sentences (arranged in order of seriousness) the circumstances in which a court may impose the new terrorism sentence introduced by clause 23.

Secretary Robert Buckland

11

Clause **23**, page **48**, leave out lines 20 to 23

Member’s explanatory statement

This amendment is consequential on Amendment 10.

Secretary Robert Buckland

12

Clause **23**, page **48**, leave out line 22

Member’s explanatory statement

This amendment is consequential on Amendment 10.

Secretary Robert Buckland

13

Clause **23**, page **49**, line **30**, leave out “under section 208, the court must impose a sentence” and insert “,

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the court must impose a sentence of detention in such place and on such conditions as may be directed under section 208”

Member’s explanatory statement

This amendment clarifies that, in the case of a child convicted on indictment, the place of detention will be determined under section 208 of the Criminal Procedure (Scotland) Act 1995, as will any conditions.

Secretary Robert Buckland

14

Clause **23**, page **50**, leave out lines 8 to 19

Member’s explanatory statement

This amendment is consequential on Amendment 9.

Secretary Robert Buckland

15

Clause **23**, page **50**, line **22**, leave out “or, as the case may be, the order”

Member’s explanatory statement

This amendment is consequential on Amendment 9.

Secretary Robert Buckland

16

Clause **23**, page **51**, leave out lines 1 to 3

All line references relate to the large font accessible version of the Bill

Member's explanatory statement

This amendment is consequential on Amendment 9.

Stephen Farry

5

Page **51**, line **14**, leave out Clause 24

Ms Harriet Harman

52

Clause **27**, page **55**, line **19**, after “unless”, insert “the terrorist prisoner was at least aged 18 at the time of the commission of the offence for which the prisoner is serving the sentence, and”.

Member's explanatory statement

This amendment provides that only certain adult terrorist prisoners are excluded from eligibility for early release in England and Wales.

Ms Harriet Harman

53

Clause **28**, page **57**, line **8**, after “unless”, insert “the terrorist prisoner was at least aged 18 at the time of

All line references relate to the large font accessible version of the Bill

the commission of the offence for which the prisoner is serving the sentence, and”.

Member’s explanatory statement

This amendment provides that only certain adult terrorist prisoners are excluded from eligibility for early release in Scotland.

Stephen Farry

1

Clause 30, page 61, line 27, leave out “whether before or”

Member’s explanatory statement

This amendment would remove the retrospective application of this provision.

Stephen Farry

2

Clause 30, page 62, line 1, leave out from “(2)” to end of line 4

Member’s explanatory statement

This amendment would remove the retrospective application of this provision.

All line references relate to the large font accessible version of the Bill

Ms Harriet Harman

54

Clause **30**, page **64**, line **5**, after “terrorism sentence” insert “and the terrorist prisoner was at least aged 18 at the time of the commission of the offence for which the prisoner is serving such a sentence”.

Member’s explanatory statement

This amendment provides that only certain adult terrorist prisoners are excluded from eligibility for early release in Northern Ireland.

Ms Harriet Harman

55

Page **66**, line **19**, leave out Clause 32

Member’s explanatory statement

This amendment will remove from the Bill clause 32, which extends the current polygraph testing requirements to adult terrorist offenders released on licence in England and Wales.

Ms Harriet Harman

59

Clause **32**, page **68**, line **13**, at end insert—

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- “(4) A Terrorism Prevention and Investigation Measure may not be imposed on an individual, or renewed, solely on the basis of—
- (a) any statement made by the person while participating in a polygraph examination;
 - (b) any physiological reaction of the person while participating in a polygraph examination;
 - or
 - (c) any refusal to comply with a requirement to participate in a polygraph examination.”

Member’s explanatory statement

This amendment will prohibit the use of information obtained from a polygraph test as a basis for imposing a TPIM notice on an individual in England and Wales.

Ms Harriet Harman

56

Page 68, line 14, leave out Clause 33

Member’s explanatory statement

This amendment will remove from the Bill clause 33, which extends the current polygraph testing requirements to adult terrorist offenders released on licence in Scotland.

All line references relate to the large font accessible version of the Bill

Ms Harriet Harman

60

Clause 33, page 71, line 15, at end insert—

“(8) A Terrorism Prevention and Investigation Measure may not be imposed on an individual, or renewed, solely on the basis of—

(a) any statement made by the person while participating in a polygraph examination;

(b) any physiological reaction of the person while participating in a polygraph examination; or

(c) any refusal to comply with a requirement to participate in a polygraph examination.”

Member’s explanatory statement

This amendment will prohibit the use of information obtained from a polygraph test as a basis for imposing a TPIM notice on an individual in Scotland.

Ms Harriet Harman

57

Page 71, line 16, leave out Clause 34

Member’s explanatory statement

This amendment will remove from the Bill clause 34, which extends the current polygraph testing

All line references relate to the large font accessible version of the Bill

requirements to adult terrorist offenders released on licence in Northern Ireland.

Ms Harriet Harman

61

Clause **34**, page **77**, line **16**, at end insert—

“(4) A Terrorism Prevention and Investigation Measure may not be imposed on an individual, or renewed, solely on the basis of—

(a) any statement made by the person while participating in a polygraph examination;

(b) any physiological reaction of the person while participating in a polygraph examination; or

(c) any refusal to comply with a requirement to participate in a polygraph examination.”

Member’s explanatory statement

This amendment will prohibit the use of information obtained from a polygraph test as a basis for imposing a TPIM notice on an individual in Northern Ireland.

All line references relate to the large font accessible version of the Bill

Ms Harriet Harman

58

Page 77, line 17, leave out Clause 35

Member's explanatory statement

This amendment will remove from the Bill clause 35, which extends the current polygraph testing requirements to adult terrorist offenders released on licence.

Joanna Cherry

40

Page 80, line 18, leave out Clause 37

Member's explanatory statement

This amendment removes the provision that lowers the standard of proof to reasonable grounds.

Keir Starmer

37

Clause 37, page 80, line 24, leave out “has reasonable grounds for suspecting” and insert “, on the basis of reasonable and probable grounds, believes.”

Member's explanatory statement

This amendment would raise the standard of proof for imposing a TPIM under the proposals in the Bill.

All line references relate to the large font accessible version of the Bill

Joanna Cherry

39

Clause **37**, page **80**, line **24**, leave out “suspecting” and insert “believing”

Member’s explanatory statement

This amendment would create a higher bar for the standard of proof under these proposals.

Joanna Cherry

42

Page **81**, line **1**, leave out Clause 38

Joanna Cherry

41

Clause **38**, page **81**, line **7**, 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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Ms Harriet Harman

46

Clause 38, page 81, line 7, at end insert—

“(za) For subsection (3)(a), substitute “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; and

(iii) the court gives the Secretary of State permission to extend the TPIM notice.”

Member’s explanatory statement

This amendment will provide that any extension of a TPIM notice will require (i) a higher threshold to be met (“on the balance of probabilities”), (ii) the Secretary of State must reasonably consider that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, for terrorism prevention and investigation measures to be imposed on the individual (Condition C), and that it is necessary, for purposes connected with preventing or restricting the individual’s involvement in terrorism-related activity, for the specified terrorism prevention and investigation measures to be imposed

All line references relate to the large font accessible version of the Bill

on the individual (Condition D), and (iii) judicial approval.

Ms Harriet Harman

47

Page 82, line 21, leave out Clause 39

Member's explanatory statement

This amendment will remove from the Bill clause 39, which allows the Secretary of State to vary the relocation measure in a TPIM notice, if it is necessary to do so for resource reasons.

Ms Harriet Harman

48

Page 85, line 5, leave out Clause 40

Member's explanatory statement

This amendment will remove from the Bill clause 40, which widens the scope for imposing a curfew beyond overnight.

All line references relate to the large font accessible version of the Bill

Ms Harriet Harman

49

Page 85, line 12, leave out Clause 41

Member’s explanatory statement

This amendment will remove from the Bill clause 41, which inserts a new polygraph measure which can be imposed on TPIM subjects to test if they are complying with their TPIM measures, if the Secretary of State considers it necessary to protect the public from a risk of terrorism.

Secretary Robert Buckland

17

Clause 41, page 88, line 10, at end insert—

“(2) In section 17 of that Act (jurisdiction in relation to decisions under the Act), in subsection (3), after paragraph (c) insert—

“(ca) a decision by a polygraph operator to give an instruction by virtue of paragraph 10ZA(1)(c) of Schedule 1 (polygraph measure);”.

Member’s explanatory statement

This provides that instructions from polygraph operators to subjects of TPIM notices, like decisions of the Secretary of State under the Terrorism

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Prevention and Investigation Measures Act 2011, are “TPIM decisions” and so cannot be questioned in legal proceedings other than in the high court (or, in Scotland, the Outer House of the Court of Session).

Ms Harriet Harman

50

Page **88**, line **11**, leave out Clause 42

Member’s explanatory statement

This amendment will remove from the Bill clause 42, which introduces a new drug testing measure which can be imposed on TPIM subjects, to test for Class A and B drugs.

Secretary Robert Buckland

18

Clause **42**, page **90**, line **5**, at end insert—

“(3A) Regulations under sub-paragraph (2) may make—

(a) different provision for different purposes or different areas;

(b) incidental, supplemental, consequential, saving or transitional provision.”

Member’s explanatory statement

This ensures that regulations prescribing authorised persons and testing places for the purposes of the

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new drug testing measure in TPIM notices can make different provision for different purposes or areas (and ancillary provision).

Secretary Robert Buckland

19

Clause **42**, page **90**, line **9**, at end insert—

“(2) In section 17 of that Act (jurisdiction in relation to decisions under the Act), in subsection (3), after paragraph (ca) (inserted by section 41) insert—

“(cb) a decision by an authorised person to give a direction by virtue of paragraph 10ZB(1)(b) of Schedule 1 (drug testing measure);”.

Member’s explanatory statement

This provides that directions given by persons authorised to take samples for drug-testing purposes from subjects of TPIM notices, like decisions of the Secretary of State under the Terrorism Prevention and Investigation Measures Act 2011, are “TPIM decisions” and so cannot be questioned in legal proceedings other than in the high court (or, in Scotland, the Outer House of the Court of Session).

All line references relate to the large font accessible version of the Bill

Keir Starmer

38

Clause **47**, page **93**, line **10**, 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”.”

Member’s explanatory statement

This amendment would reinstate a statutory deadline for the independent review of the Prevent strategy, which will have to report by 1 July 2021.

Ms Harriet Harman

51

Clause **47**, page **93**, leave out lines 13 – 16 and insert—

“(a) in subsection (8), replace the words “6 months” with the words “2 years”;

(b) in subsection (9), replace the words “18 months” with the words “3 years”.”

Member’s explanatory statement

Clause 47 omits the current statutory deadline for (a) making arrangements for an independent review of Prevent and (b) laying before both Houses the report

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and any recommendations of the review of Prevent. Instead of removing the statutory deadlines, this amendment provides for new deadlines: in respect of (a), 2 years beginning with the day on which the Counter Terrorism and Border Security Act was passed (12 February 2019) and in respect of (b), 3 years beginning with the day on which the Counter Terrorism and Border Security Act was passed.

Secretary Robert Buckland

20

Clause **52**, page **97**, line **22**, leave out sub paragraph (iv) and insert—

“(iv) paragraphs 45 and 46;”.

Member’s explanatory statement

This amendment corrects a drafting error and provides for the amendments made by paragraph 46 of Schedule 13 to come into force at the same time as clause 23 of the Bill (to which it relates).

Secretary Robert Buckland

21

Clause **52**, page **97**, line **24**, at end insert—

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“(va) paragraph 48 other than sub-paragraph (5);”.

Member’s explanatory statement

This amendment corrects a drafting error and provides for those amendments made by paragraph 48 of Schedule 13 that relate to clause 23 of the Bill to come into force at the same time as that clause.

Secretary Robert Buckland

22

Clause **52**, page **99**, line **1**, leave out “46, 47(4)(a) and 48” and insert “47(4)(a) and 48(5)”.

Member’s explanatory statement

This amendment is consequential on Amendments 20 and 21.

Joanna Cherry

35

Clause **52**, page **100**, line **4**, leave out “to” and insert “, 34 and”

Stephen Farry

3

Clause **52**, page **100**, line **4**, leave out “to 35” and insert “, 33 and 35”

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Member’s explanatory statement

This amendment would remove section 34 from the list of provisions that are brought into force through regulations by the Secretary of State.

Stephen Farry

4

Clause **52**, page **100**, line **6**, at end insert—

“(3A) Section 34 comes into force on such day as the Department for Justice of Northern Ireland may by regulations appoint.”

Member’s explanatory statement

This amendment would mean section 34 could only be brought into force through regulations by the Northern Ireland Executive.

Joanna Cherry

36

Clause **52**, page **100**, line **6**, at end insert—

“(3A) Section 33 comes into force on such day as Scottish Ministers may by regulations appoint.”

Member’s explanatory statement

This would have the effect that provision in the Bill that relate to polygraph testing would only become

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operational if the Scottish Government asked for those provisions to be implemented.

Secretary Robert Buckland

23

Schedule **13**, page **260**, line **14**, at end insert—

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

33A In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for particular sentences), in each of the following places, after “209” insert “or 224B”—

- (a) paragraph (1)(e);
- (b) in paragraph (2), in Table B, in the first column, the fourth and fifth entries;
- (c) paragraph (9)(c).”

Member’s explanatory statement

This amendment provides for the service sentence introduced by paragraph 9 of Schedule 8 to have the same rehabilitation period in Northern Ireland as other forms of youth detention.

All line references relate to the large font accessible version of the Bill

Secretary Robert Buckland

24

Schedule **13**, page **278**, line **14**, at end insert—

“(4A) In section 2B(1) (punishment part for life prisoners: assessment under section 2A(1)(a) and (b)), at the beginning insert “Subject to section 205ZB(2) of the 1995 Act,”.”

Member’s explanatory statement

This amendment provides that the court’s assessment under sections 2A and 2B of the Prisoners and Criminal Proceedings (Scotland) Act 1993 of the appropriate length of the punishment part of a sentence for a life prisoner is subject to the overriding requirement in new section 205ZB(2) (see clause 12) that it should be at least 14 years.

Secretary Robert Buckland

25

Schedule **13**, page **278**, line **18**, at end insert—

“(5A) In section 6(1) (application of Act to young offenders and to children detained without limit of time), for paragraph (a) substitute—

“(a) to—

(i) persons on whom detention in a young offenders institution has been imposed under section 205ZA(6) of the 1995 Act,

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- (ii) persons on whom detention in a young offenders institution has been imposed under section 205ZC(4) of that Act, and
- (iii) persons on whom detention in a young offenders institution (other than detention without limit of time or for life) has been imposed under section 207(2) of that Act as the Part applies to persons serving equivalent sentences of imprisonment;”.

Member’s explanatory statement

This amendment makes consequential amendments of section 6 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to ensure that Part 1 of that Act applies in relation to persons sentenced to detention in a young offenders institution under the new terrorism sentences introduced by clauses 6 and 23.

Secretary Robert Buckland

26

Schedule **13**, page **278**, line **18**, at end insert—

“(5B) In section 7 (children detained in solemn proceedings)—

(a) in subsection (5)(a)—

(i) for “and 20(2)” substitute “, 20(2) and 26ZA”;

All line references relate to the large font accessible version of the Bill

- (ii) for “detained under section 208 of the 1995” substitute “on whom detention has been imposed under section 205ZC(5) of the 1995 Act and children detained under section 208 of that”;
- (iii) at the end (but before the final “and”) insert “(but subject to the modifications of section 26ZA in subsection (5A))”;
- (b) after subsection (5) insert—
 - “(5A) The modifications are that section 26ZA is to be read as if—
 - (a) subsection (9) were omitted, and
 - (b) subsection (10)(a) related to section 1A(1)(c) only.”;
- (c) in subsection (8)—
 - (i) for “subsection (5)” substitute “subsections (3) to (5) and (7)”;
 - (ii) after “applies” insert “(but subject to the modifications of subsection (3) in subsection (9))”;
- (d) after subsection (8) insert—
 - “(9) The modifications are that subsection (3) applies in relation to a person to whom section 1AB applies as if—

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- (a) for the words “under subsection (1) or (2) above” there were substituted the words “under section 1AB”,
- (b) for the words “entire period specified in the sentences elapses” there were substituted “sentence under section 205ZC(5) as originally imposed by the court would expire”, and
- (c) for the words “period so elapses” there were substituted “sentence so expires”. ””

Member’s explanatory statement

This amendment makes consequential amendments of section 7 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 in relation to children on whom the new terrorism sentence introduced by clause 23 is imposed.

Secretary Robert Buckland

27

Schedule 13, page 279, leave out lines 6 and 7

Member’s explanatory statement

This amendment is consequential on Amendment 9.

All line references relate to the large font accessible version of the Bill

Secretary Robert Buckland

28

Schedule **13**, page **280**, line **17**, at end insert—

“Sexual Offences Act 2003 (c. 42)

51A In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), in paragraph (h), before “208” insert “205ZC(5) or”.

Member’s explanatory statement

This amendment provides that the new sentence introduced by clause 23 can attract sexual offender notification requirements when imposed on a child.

Secretary Robert Buckland

29

Schedule **13**, page **280**, line **27**, at end insert—

“Counter-Terrorism Act 2008 (c. 28)

52A In section 45(2) of the Counter-Terrorism Act 2008 (Scottish sentences attracting notification requirements), in paragraph (a), at the end of subparagraph (iv) (but before the final “or”) insert—

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“(iva) detention under section 205ZC(5) of that Act,”.

Member’s explanatory statement

This amendment provides that the new sentence introduced by clause 23 can attract terrorist offender notification requirements when imposed on a child.

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.

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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.

NOTICES WITHDRAWN

The following Notices were withdrawn on 17 July 2020:

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version of the Bill

Amendments 43, 44, 45, 62 and 63.
