



House of Commons

NOTICES OF AMENDMENTS

given up to and including
Tuesday 14 July 2020

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*
Amendments tabled since the last publication: 6 to 34 and NC1 to NC5

CONSIDERATION OF BILL (REPORT STAGE)

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.

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.

Counter-Terrorism and Sentencing Bill, *continued*

- (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;
 - (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.

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;

Counter-Terrorism and Sentencing Bill, *continued*

- (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;
 - (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.

Counter-Terrorism and Sentencing Bill, *continued*

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).”
- (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—
 - “(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).”

Counter-Terrorism and Sentencing Bill, *continued*

- (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

30

- ★ Clause 4, page 5, line 35, 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).”

Secretary Robert Buckland

6

- ★ Clause 6, page 8, line 12, 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 9, leave out lines 21 to 25, 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.”

 Counter-Terrorism and Sentencing Bill, *continued*

Alex Cunningham

32

- ★ Clause 7, page 10, line 15, 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
 - (ii) rehabilitating the offender.”
-

Secretary Robert Buckland

7

- ★ Clause 9, page 11, line 38, 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.*
-

Secretary Robert Buckland

8

- ★ Clause 12, page 13, line 11, 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 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

Counter-Terrorism and Sentencing Bill, *continued*

- (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 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.”

Secretary Robert Buckland

9

- ★ Clause 23, page 20, line 8, 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 20, line 11, at end insert—
 - “(ai) a sentence of imprisonment for life to which section 205ZB applies,

Counter-Terrorism and Sentencing Bill, *continued*

- (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,
- (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 20, leave out lines 16 to 19

Member’s explanatory statement

This amendment is consequential on Amendment 10.

Secretary Robert Buckland

12

- ★ Clause 23, page 20, leave out line 21

Member’s explanatory statement

This amendment is consequential on Amendment 10.

Secretary Robert Buckland

13

- ★ Clause 23, page 20, line 45, leave out “under section 208, the court must impose a sentence” and insert “, 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 21, leave out lines 5 to 13

Member’s explanatory statement

This amendment is consequential on Amendment 9.

Secretary Robert Buckland

15

- ★ Clause 23, page 21, line 15, leave out “or, as the case may be, the order”

Member’s explanatory statement

This amendment is consequential on Amendment 9.

Counter-Terrorism and Sentencing Bill, *continued*

Secretary Robert Buckland

16

- ★ Clause 23, page 21, leave out lines 21 and 22
Member's explanatory statement
This amendment is consequential on Amendment 9.
-

Stephen Farry

5

- Page 21, line 30, leave out Clause 24
-

Stephen Farry

1

- Clause 30, page 26, line 16, 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 26, line 17, leave out from “(2)” to end of line 20
Member's explanatory statement
This amendment would remove the retrospective application of this provision.
-

Secretary Robert Buckland

17

- ★ Clause 41, page 38, line 2, 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 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).
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Counter-Terrorism and Sentencing Bill, continued

Secretary Robert Buckland

18

- ★ Clause 42, page 38, line 40, 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 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 38, line 43, 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).

Secretary Robert Buckland

20

- ★ Clause 52, page 42, line 31, 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 42, line 32, at end insert—

“(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 43, line 17, 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.

Counter-Terrorism and Sentencing Bill, continued

Stephen Farry

3

Clause 52, page 43, line 40, leave out “to 35” and insert “, 33 and 35”

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 43, line 42, 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.

Secretary Robert Buckland

23

★ Schedule 13, page 115, line 24, 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.

Secretary Robert Buckland

24

★ Schedule 13, page 123, line 45, 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.

Counter-Terrorism and Sentencing Bill, *continued*

Secretary Robert Buckland

25

★ Schedule 13, page 123, line 49, 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,
- (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 123, line 49, 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”;
- (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—

- (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

Counter-Terrorism and Sentencing Bill, continued

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 124, leave out lines 13 and 14

Member’s explanatory statement

This amendment is consequential on Amendment 9.

Secretary Robert Buckland

28

- ★ Schedule 13, page 124, line 41, 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 125, line 7, 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—

“(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.

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3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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