



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 16 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: 39 to 63 and NC9 and NC10

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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
 Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Mr Nicholas Brown

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—

Counter-Terrorism and Sentencing Bill, *continued*

- (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;
 - (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
 Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Mr Nicholas Brown

Wendy Chamberlain

Wera Hobhouse

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.

Counter-Terrorism and Sentencing Bill, *continued*

- (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;
 - (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
 Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Mr Nicholas Brown

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

Counter-Terrorism and Sentencing Bill, *continued*

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.

Alex Cunningham
Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Mr Nicholas Brown

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
Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Mr Nicholas Brown

NC5

To move the following Clause—

Counter-Terrorism and Sentencing Bill, *continued*

“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).”
- (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.”

Joanna Cherry
Kenny MacAskill

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 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.

Counter-Terrorism and Sentencing Bill, *continued*

(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.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Alex Cunningham
Mr Nicholas Brown

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.

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Alex Cunningham
Mr Nicholas Brown

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;

Counter-Terrorism and Sentencing Bill, *continued*

- (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.
- (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.

Ms Harriet Harman
Joanna Cherry

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;
 - (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

Counter-Terrorism and Sentencing Bill, continued

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
Christine Jardine
Sir Edward Davey
Mr Alistair Carmichael
Tim Farron
Layla Moran

Jamie Stone
Munira Wilson

Wera Hobhouse
Sarah Olney

Wendy Chamberlain

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 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.
- (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
Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Mr Nicholas Brown

30

Clause 4, page 5, line 35, at end insert—

- “(7) The pre-sentence report must —
- (a) take account of the offender’s age;

Counter-Terrorism and Sentencing Bill, *continued*

- (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
 Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Mr Nicholas Brown

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.”

Alex Cunningham
 Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Mr Nicholas Brown

32

Clause 7, page 10, line 15, at end insert—

Counter-Terrorism and Sentencing Bill, *continued*

- “(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
Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Mr Nicholas Brown

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—

Counter-Terrorism and Sentencing Bill, *continued*

- (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
 Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Mr Nicholas Brown

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.

Counter-Terrorism and Sentencing Bill, *continued*

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,
- (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.

Counter-Terrorism and Sentencing Bill, *continued*

Secretary Robert Buckland

- 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.

15

Secretary Robert Buckland

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

16

Stephen Farry
Wendy Chamberlain
Wera Hobhouse

- Page 21, line 30, leave out Clause 24

5

Ms Harriet Harman
Joanna Cherry

- ★ Clause 27, page 23, line 24, 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.

52

Ms Harriet Harman
Joanna Cherry

- ★ Clause 28, page 24, line 12, 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 Scotland.

53

Counter-Terrorism and Sentencing Bill, *continued*

Stephen Farry
Wendy Chamberlain
Wera Hobhouse

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
Wendy Chamberlain
Wera Hobhouse

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.

Ms Harriet Harman
Joanna Cherry

54

★ Clause 30, page 27, line 14, 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
Joanna Cherry

55

★ Page 28, line 17, 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
Joanna Cherry

59

★ Clause 32, page 29, line 7, 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

Counter-Terrorism and Sentencing Bill, continued

- (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
Joanna Cherry

56

- ★ Page 29, line 8, 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.

Ms Harriet Harman
Joanna Cherry

60

- ★ Clause 33, page 30, line 24, 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
Joanna Cherry

57

- ★ Page 30, line 25, leave out Clause 34

Member’s explanatory statement

This amendment will remove from the Bill clause 34, which extends the current polygraph testing requirements to adult terrorist offenders released on licence in Northern Ireland.

Ms Harriet Harman
Joanna Cherry

61

- ★ Clause 34, page 33, line 6, 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;

Counter-Terrorism and Sentencing Bill, *continued*

- (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.

Ms Harriet Harman
Joanna Cherry

58

- ★ Page 33, line 7, 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.

Ms Harriet Harman
Joanna Cherry

43

- ★ Page 34, line 22, leave out Clause 37

Member’s explanatory statement

This amendment will remove from the Bill clause 37, which lowers the standard of proof required for the imposition of a Terrorism Prevention and Investigation Measure notice upon an individual from “on the balance of probabilities” to “reasonable grounds for suspecting” that an individual is, or has been, involved in terrorism-related activity.

Joanna Cherry
Kenny MacAskill

40

- ★ Page 34, line 22, leave out Clause 37

Member’s explanatory statement

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

Daisy Cooper
Christine Jardine
Sir Edward Davey
Mr Alistair Carmichael
Tim Farron
Layla Moran

Jamie Stone
Munira Wilson

Wera Hobhouse
Sarah Olney

Wendy Chamberlain

62

- ★ Page 34, line 22, leave out Clause 37.

Member’s explanatory statement

This amendment would retain the current standard of proof for the imposition of TPIMs.

Counter-Terrorism and Sentencing Bill, *continued*

Keir Starmer
 Nick Thomas-Symonds
 Mr David Lammy
 Conor McGinn
 Alex Cunningham
 Mr Nicholas Brown

- 37
- ☆ Clause 37, page 34, line 25, 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.

Joanna Cherry
 Kenny MacAskill

- 39
- ★ Clause 37, page 34, line 26, 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.

Ms Harriet Harman
 Joanna Cherry

- 44
- ★ Clause 37, page 34, line 26, leave out “suspecting” and insert “believing”.
Member’s explanatory statement
This amendment will provide for a lower standard of proof than currently provided for in law (balance of probabilities), but a higher standard of proof than provided for in the Bill (reasonable suspicion).

Joanna Cherry
 Kenny MacAskill

- 42
- ★ Page 34, line 27, leave out Clause 38

Ms Harriet Harman
 Joanna Cherry

- 45
- ★ Page 34, line 27, leave out Clause 38
Member’s explanatory statement
This amendment will remove from the Bill clause 38, which removes the current two-year time limit for which a TPIM notice can last.

 Counter-Terrorism and Sentencing Bill, *continued*

Daisy Cooper
 Christine Jardine
 Sir Edward Davey
 Mr Alistair Carmichael
 Tim Farron
 Layla Moran

Jamie Stone
 Munira Wilson

Wera Hobhouse
 Sarah Olney

Wendy Chamberlain

63

★ Page 34, line 27, leave out Clause 38.

Member's explanatory statement

This amendment would retain the current rules for the extension on TPIMs.

Joanna Cherry
 Kenny MacAskill

41

★ 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.”

Ms Harriet Harman
 Joanna Cherry

46

★ Clause 38, page 34, line 31, 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 on the individual (Condition D), and (iii) judicial approval.

Counter-Terrorism and Sentencing Bill, *continued*

Ms Harriet Harman
Joanna Cherry

47

- ★ Page 35, 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
Joanna Cherry

48

- ★ Page 36, line 27, 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.

Ms Harriet Harman
Joanna Cherry

49

- ★ Page 36, line 32, 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 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).

Counter-Terrorism and Sentencing Bill, continued

Ms Harriet Harman
Joanna Cherry

50

★ Page 38, line 3, 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 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).

Keir Starmer
Nick Thomas-Symonds
Mr David Lammy
Conor McGinn
Alex Cunningham
Mr Nicholas Brown

38

☆ 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”.

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.

Counter-Terrorism and Sentencing Bill, *continued*

Ms Harriet Harman
Joanna Cherry

51

- ★ Clause 47, page 40, leave out lines 19 – 21 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 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 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.

Joanna Cherry
Kenny MacAskill

35

- ☆ Clause 52, page 43, line 40, leave out “to” and insert “, 34 and”

Counter-Terrorism and Sentencing Bill, *continued*

Stephen Farry
Wendy Chamberlain
Wera Hobhouse

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
Wendy Chamberlain
Wera Hobhouse

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.

Joanna Cherry
Kenny MacAskill

36

☆ Clause 52, page 43, line 42, 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 operational if the Scottish Government asked for those provisions to be implemented.

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—

Counter-Terrorism and Sentencing Bill, continued

“(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 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))”;

Counter-Terrorism and Sentencing Bill, *continued*

(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 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.

Counter-Terrorism and Sentencing Bill, *continued*

ORDER OF THE HOUSE [9 JUNE 2020]

That the following provisions shall apply to the Counter-Terrorism and Sentencing Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 14 July 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

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

Other proceedings

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