

# Counter-Terrorism and Border Security Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

BARONESS HAMWEE

Page 1, leave out lines 10 to 12 and insert –

“(b) in doing so intends to encourage support for a proscribed organisation.”

Page 1, line 12, at end insert –

“(1B) It is not an offence under subsection (1A) to express an opinion that a proscribed organisation should cease to be proscribed.”

*Baroness Hamwee gives notice of her intention to oppose the Question that Clause 1 stand part of the Bill.*

**Clause 2**

BARONESS HAMWEE

Page 1, line 15, leave out subsections (2) and (3)

Page 2, line 6, at end insert –

“(1C) A person does not commit an offence under subsection (1A) if there is a reasonable excuse for the publication of that image, such as historical research, academic research or family photographs, and where the publication of that image was not intended to support or further the activities of a proscribed organisation.”

**Clause 3**

BARONESS HAMWEE

Page 2, line 29, at end insert “and the person intends to commit or encourage acts of terrorism.”

**Clause 3 - continued**

Page 2, line 29, at end insert “and the person has viewed the material in a way which gives rise to a reasonable suspicion that the person is viewing that material with a view to committing a terrorist act.”

Page 2, line 41, at end insert –

“(3B) The Secretary of State must issue guidance on what constitutes a reasonable excuse for the purposes of subsection (3).”

*Baroness Hamwee gives notice of her intention to oppose the Question that Clause 3 stand part of the Bill.*

**Clause 4**

BARONESS HAMWEE

Page 3, line 17, at end insert “, or

(c) the person has been granted authorisation by the Secretary of State to enter or remain in a designated area”

Page 3, line 17, at end insert –

“(3A) The Secretary of State shall set out in regulations provisions regarding authorisation under section (3)(c) including –

- (a) the grounds for applying for an authorisation;
- (b) the procedure for applying for an authorisation both by an individual and by an organisation on behalf of individuals;
- (c) the timescales for determining an authorisation; and
- (d) the rights of appeal against a decision.”

*Baroness Hamwee gives notice of her intention to oppose the Question that Clause 4 stand part of the Bill.*

**Clause 6**

BARONESS HAMWEE

Page 5, line 16, leave out subsection (3)

Page 5, line 23, at end insert –

“( ) After subsection (3) of that section of that Act insert –

“(4) An offence is only committed under paragraph (ca) of subsection (2) where –

- (a) the relevant acts were an offence in the country where the acts took place; or
- (b) the individual –
  - (i) is a British national; or
  - (ii) has been present in the United Kingdom for a continuous period of at least six months in the last ten years.”

**Clause 7**

BARONESS HAMWEE

Page 5, line 31, leave out subsection (3)

**Clause 12**

BARONESS HAMWEE

Page 14, line 36, at end insert –

“( ) After section 53 (period for which notification requirements apply) insert –

**“53A Review of the necessity and proportionality of notification**

- (1) A person to whom the notification requirements apply may apply to the chief officer of police for the area in which that person resides for a determination that the person should no longer be subject to the notification requirements (“an application for review”).
- (2) An application for review may be made after a person has been subject to notification requirements for a period of 5 years and every 5 years thereafter, following a determination of the review.
- (3) The chief officer of police to whom an application for review is made shall review the necessity and proportionality of the notification requirements and shall make a decision as to whether that person should continue to be subject to the notification requirements.
- (4) Where a determination has been made under subsection (3) that the person should no longer be subject to the notification requirements, then that person is no longer subject to the notification requirements.
- (5) Where a determination has been made under subsection (3) that the person should continue to be subject to the notification requirements, the applicant has a full right of appeal to the Special Immigration Appeals Commission within 21 days of the date of decision.”

**Clause 13**

BARONESS HAMWEE

Page 15, line 16, leave out from “assessing” to “and” in line 17 and insert “whether the person to whom the warrant relates is in breach of his or her notification requirements;”

Page 15, line 25, at end insert –

“(ba) that there are reasonable grounds to believe that the person to whom the warrant relates is in breach of his or her notification requirements,”

Page 15, line 26, after “necessary” insert “and proportionate”

**Clause 19**

BARONESS HAMWEE

Page 21, line 25, at end insert –

“( ) After section 40 (indemnification), insert –

**“40A Independent review of preventing people being drawn into terrorism and support for those vulnerable to being drawn into terrorism**

- (1) The Secretary of State must make arrangements for an independent review of the Government’s Prevent strategy for preventing people from being drawn into terrorism and for supporting those vulnerable to being drawn into terrorism within 6 months of this provision entering into force.
- (2) The Secretary of State must report on the findings of the review. This report must be laid before both Houses of Parliament within 18 months of this provision entering into force.”

**Schedule 2**

BARONESS HAMWEE

Page 29, line 5, leave out paragraph 2

Page 29, line 29, leave out sub-paragraph (4)

Page 32, line 3, leave out sub-paragraph (4)

Page 33, line 3, leave out sub-paragraph (4)

Page 34, line 32, leave out sub-paragraph (4)

Page 36, line 4, leave out sub-paragraph (4)

Page 37, line 28, leave out paragraph 19

**Schedule 3**

BARONESS HAMWEE

Page 38, line 36, leave out from “may” to “grounds” in line 37 and insert “only exercise the powers under this paragraph where there are reasonable”

Page 38, line 38, at end insert “and where it is necessary and proportionate to do so”

Page 49, line 19, at end insert –

“( ) The detainee shall be informed of the rights in sub-paragraph (1) when first detained.”

Page 49, line 43, leave out paragraph (b)

**Schedule 3** - *continued*

Page 50, line 29, leave out paragraph 26

Page 53, line 12, at end insert –

“( ) The detainee shall be informed of the rights in sub-paragraph (1) when first detained.”

Page 54, line 12, leave out paragraph 32

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*19 October 2018*

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