

# Counter-Terrorism and Border Security Bill

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## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Second Marshalled List]*

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#### Schedule 2

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

Page 38, line 17, at end insert –

- “ (1) A person whose biometric data is retained under the provisions of this Schedule may appeal to the Commissioner for the Retention and Use of Biometric Material (“the Commissioner”) for the destruction of that data when the conditions in sub-paragraph (2) are met.
- (2) The conditions referred to in sub-paragraph (1) are –
- (a) that the retention of the biometric data has not been previously authorised by the Commissioner or a court of law; and
  - (b) that the biometric data was taken from the person –
    - (i) in circumstances where the arrest or charging of the person was substantially due to a mistake, whether of identity, place or other material fact; or
    - (ii) the person was arrested but never charged for the relevant offence.
- (3) On receiving an appeal under sub-paragraph (1), the Commissioner must seek representations from the chief officer of police in the area in which the biometric data was taken as to whether the data should be destroyed or not.
- (4) The Commissioner must determine an appeal under sub-paragraph (1) within three months of receiving the appeal.”

**Clause 19**

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK

Page 21, line 25, at end insert –

- “(8) The Secretary of State must within 6 months of the passing of this Act make arrangements for an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism.
- (9) The report and any recommendations of the review under subsection (8) must be laid before both Houses of Parliament within 18 months of the passing of this Act.
- (10) The laying of the report and recommendations under subsection (9) must be accompanied by a statement by the Secretary of State responding to each recommendation made as part of the independent review.”

**After Clause 20**

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause –

**“Continued participation in the European Arrest Warrant**

- (1) It is an objective of Her Majesty’s Government, in negotiating the withdrawal of the United Kingdom from the European Union, to seek continued United Kingdom participation in the European Arrest Warrant in relation to persons suspected of specified terrorism offences.
- (2) In this section, “specified terrorism offences” has the same meaning as in Schedule 15 to the Criminal Justice Act 2003.”

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*5 November 2018*

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