

Counter-Terrorism and Border Security Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

Schedule 3

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

Page 38, line 35, at end insert –

- “(3A) In order to inform a decision on whether to select a person for questioning under this paragraph an officer may approach a person and ask questions for screening purposes.
- (3B) Screening under sub-paragraph (3A) may include, but is not limited to –
- (a) asking questions to establish the identity, provenance and destination of a person;
 - (b) asking questions to establish the method of travel and purpose of travel of a person;
 - (c) scrutiny of a person’s travel document;
 - (d) a comparison of the holder against the image contained in the document;
 - (e) requesting additional documents from the person relevant to screening;
 - (f) checking personal information against records where there is no significant additional delay.
- (3C) It is not an offence for a person to refuse to answer questions asked for screening purposes or to refuse to otherwise engage with officers in the screening process.
- (3D) An officer must inform any person they approach for screening purposes that they are not obliged to answer questions or engage with the officer on the screening process.
- (3E) An examining officer must not exercise powers under this Schedule, with the exception of the power to approach a person for screening purposes under sub-paragraph (3A), in respect of any person unless that person has been notified that an examination under this Schedule has commenced.”

Schedule 3 - continued

Page 38, line 38, at end insert –

- “() The decision by an examining officer to select a person to question –
 - (a) must not be arbitrary, and
 - (b) must be informed by the threat from hostile activity to the United Kingdom and its interests posed by foreign States and hostile actors acting for, on behalf of, or otherwise in the interests of, those States, whether active in or outside the United Kingdom.”

Page 39, line 7, at end insert –

- “() The Investigatory Powers Commissioner (“the Commissioner”) must be informed when a person is stopped under the provisions of this paragraph.
- () The Commissioner must make an annual report on the use of powers under this paragraph in the border area.”

Page 43, line 27, At end insert –

- “11A(1) This paragraph applies where –
 - (a) an examining officer intends to retain an article under paragraph 11(2); and
 - (b) the person who owns or was carrying or transporting the article alleges that the article contains confidential material.
- (2) Where sub-paragraph (1) applies, the examining officer –
 - (a) may not examine the article; and
 - (b) must immediately provide the article to the Investigatory Powers Commissioner (the “Commissioner”).
- (3) On receiving an article under sub-paragraph (2), the Commissioner must determine whether or not the article contains confidential material.
- (4) Where the Commissioner determines the article contains confidential material, the Commissioner may authorise the examination and retention of material in accordance with the provisions of paragraph 12(5).
- (5) Where the Commissioner determines the article does not contain confidential material, the Commissioner must return the article to the examining officer to determine whether the material should be retained under paragraph 11(2).”

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6 November 2018
