

# Counter-Terrorism and Border Security Bill

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SECOND  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*The amendments have been marshalled in accordance with the Order of 28th November 2018, as follows –*

Clauses 1 to 12	Schedule 3
Schedule 1	Clause 22
Clauses 13 to 18	Schedule 4
Schedule 2	Clauses 23 to 27
Clauses 19 to 21	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 19**

LORD PADDICK  
LORD STUNELL

**31** Page 21, line 37, at end insert –

“( ) After subsection (3) insert –

“(3A) The Secretary of State must ensure the collection and annual release of statistics on –

- (a) the religion, and
- (b) the ethnicity,

of identified individuals referred under subsection (2).”

LORD KENNEDY OF SOUTHWARK  
LORD ROSSER  
LORD STUNELL  
BARONESS JONES OF MOULSECOOMB

**32** Page 22, line 2, at end insert –

“(8) The Secretary of State must, within the period of 6 months beginning with the day on which this Act is passed, make arrangements for an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism.

**Clause 19 - continued**

- (9) The report and any recommendations of the review under subsection (8) must be laid before both Houses of Parliament within the period of 18 months beginning with the day on which this Act is passed.
- (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 ANDERSON OF IPSWICH  
LORD PADDICK  
LORD JUDGE

**32A** Insert the following new Clause –

**“Amendment to the criteria for proscription**

For section 3(4) of the Terrorism Act 2000, substitute –

- “(4) The Secretary of State may exercise the power under subsection (3)(a) in respect of an organisation only if –
- (a) he or she is satisfied, on the balance of probabilities, that it is or has been concerned in terrorism; and
  - (b) he or she reasonably believes that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, for the organisation to be proscribed.
- (4A) For the purpose of subsection (4), the public includes the public of a country other than the United Kingdom.””

**32B** Insert the following new Clause –

**“Review of proscription**

- (1) Section 3 of the Terrorism Act 2000 is amended as follows.
- (2) After subsection (6), insert –
 

“(6A) In respect of each organisation listed in Schedule 2, the Secretary of State must at least once in every calendar year, starting in the calendar year following its listing –

  - (a) review the activities of that organisation,
  - (b) determine whether that organisation satisfies the conditions for proscription in subsections (5) to (6),
  - (c) decide whether to vary or revoke the listing or to take no action with respect to it,
  - (d) publish each such decision, and
  - (e) lay a record of such decision before Parliament.””

**Clause 21**

**Clause 21 - continued**LORD PADDICK  
BARONESS HAMWEE**33A** Page 22, line 19, at end insert –

- “(2) The Secretary of State must lay a report annually before both Houses of Parliament setting out details of the exercise of each of the powers provided by Schedule 3 to this Act, and Schedule 7 to the Terrorism Act 2000, during the year in question.
- (3) For the purposes of the report in subsection (2) the details must include (but not be limited to) statistics on—
- (a) the religion, and
  - (b) the ethnicity,
- of the persons subject to the exercise of the powers.”

**After Clause 21**

LORD MARLESFORD

**34** Insert the following new Clause—**“Review: national identity numbers**

- (1) Within the period of 2 years beginning with the day on which this Act is passed, the Secretary of State must lay a report before both Houses of Parliament reviewing the case for the introduction of national identity numbers to assist in countering terrorism and ensuring border security.
- (2) The review must consider whether unique national identity numbers should be linked to a secure and central database containing biometric data to assist with establishing and verifying the identity of possible terrorism suspects or those engaged in hostile state activity, accessible by the relevant national authorities.”

**Schedule 3**LORD ANDERSON OF IPSWICH  
LORD PADDICK  
LORD JUDGE**34A** Page 38, line 41, leave out “hostile act” and insert “serious crime”**34B** Page 39, line 4, leave out sub-paragraph (6)

BARONESS WILLIAMS OF TRAFFORD

**34C** Page 39, line 6, after “Kingdom” insert “in a way relevant to the interests of national security”

**Schedule 3 - continued**

LORD ANDERSON OF IPSWICH  
LORD PADDICK  
LORD JUDGE

- 34D** Page 39, line 25, leave out “could reasonably be expected to be sentenced to imprisonment for a term of 3 years or more” and insert “would be liable to imprisonment for a term of 2 years or more”

BARONESS JONES OF MOULSECOOMB

- 34E** Page 39, line 41, at end insert –
- “(2) A person may refuse a request for documents or information under paragraph 3(1) where –
- (a) the information or document in question consists of journalistic material within the meaning of either section 13 of the Police and Criminal Evidence Act 1984 or section 264(1) to (4) or (6) and (7) of the Investigatory Powers Act 2016;
  - (b) the information or document in question is subject to legal privilege; or
  - (c) the information or document in question may reveal the identity of a source of journalistic information.”

- 34F** Page 40, line 42, at end insert –
- “( ) Information or documents given by a person in response to the exercise of powers under paragraph 1 or 2 may not be used in evidence in criminal proceedings where that material falls within the meaning of section 13 of the Police and Criminal Evidence Act 1984 or section 264(1) to (4) or (6) and (7) of the Investigatory Powers Act 2016.”

BARONESS WILLIAMS OF TRAFFORD

- 34G** Page 44, line 16, at end insert “so far as those interests are also relevant to the interests of national security”
- 34H** Page 49, line 7, after “Kingdom” insert “so far as those interests are also relevant to the interests of national security”
- 34J** Page 49, line 23, at end insert “so far as those interests are also relevant to the interests of national security”
- 34K** Page 49, line 42, at end insert “so far as those interests are also relevant to the interests of national security”
- 35** Page 55, line 35, at end insert –
- “( ) A detainee must be informed of the right under this paragraph on first being detained.”

**Schedule 3 - continued**

- 36 Page 55, line 40, at end insert –  
“( ) A detainee must be informed of the right under this paragraph on first being detained.”
- 37 Page 57, line 4, leave out sub-paragraphs (1) and (2) and insert –  
“(1) This paragraph applies where a detainee exercises the right under paragraph 30 to consult a solicitor.  
(2) A police officer of at least the rank of superintendent may direct that the right –  
(a) may not be exercised (or further exercised) by consulting the solicitor who attends for the purpose of the consultation or who would so attend but for the giving of the direction, but  
(b) may instead be exercised by consulting a different solicitor of the detainee’s choosing.  
(2A) A direction under this paragraph may be given before or after a detainee’s consultation with a solicitor has started (and if given after it has started the right to further consult that solicitor ceases on the giving of the direction).”
- 38 Page 57, line 25, leave out sub-paragraphs (5) and (6)
- 39 Page 60, line 12, leave out “Subject to paragraph 39,”
- 40 Page 60, line 12, at end insert –  
“( ) A detainee must be informed of the rights under sub-paragraphs (1) and (6) on first being detained.”
- 41 Page 60, line 31, leave out sub-paragraphs (1) and (2) and insert –  
“(1) Sub-paragraph (2) applies where a detainee exercises the right under paragraph 37(6) to consult a solicitor.  
(2) A police officer not below the rank of superintendent may, if it appears to the officer to be necessary on one of the grounds mentioned in sub-paragraph (3), direct that the right –  
(a) may not be exercised (or further exercised) by consulting the solicitor who attends for the purpose of the consultation or who would so attend but for the giving of the direction, but  
(b) may instead be exercised by consulting a different solicitor of the detainee’s choosing.  
(2A) A direction under this paragraph may be given before or after a detainee’s consultation with a solicitor has started (and if given after it has started the right to further consult that solicitor ceases on the giving of the direction).”
- 42 Page 60, line 39, leave out “(1)” and insert “(2)”

**Schedule 3 - continued**

- 43 Page 73, line 22, at end insert—  
 “( ) A person may be specified in regulations under this paragraph only if the person exercises public functions (whether or not in the United Kingdom).”

**Schedule 4**

BARONESS WILLIAMS OF TRAFFORD

- 44 Page 90, line 2, at end insert—  
 “38A In Schedule 14 (exercise of officers’ powers), in paragraph 4 after subparagraph (2) insert—  
 “(3) A person may be specified in an order under this paragraph only if the person exercises public functions (whether or not in the United Kingdom).””

**Clause 26**

BARONESS WILLIAMS OF TRAFFORD

- 45 Page 26, line 3, after “16” insert “, (*Persons detained under port and border control powers*)”

BARONESS HOWE OF IDLICOTE

- 46★ Page 26, line 10, at end insert “, subject to subsection (3A).  
 (3A) Before section 19 can come into force, the Secretary of State must revise the Government’s counter-terrorism strategy and any guidance under—  
 (a) section 29(3),  
 (b) section 36(7), and  
 (c) section 38(6),  
 of the Counter-Terrorism and Security Act 2015.  
 (3B) The revisions under subsection (3A) must ensure that—  
 (a) there is a clear and consistent definition of when considerations other than terrorism can be considered relevant to the assessment of an individual who is thought vulnerable to being drawn into terrorism, and  
 (b) the definition of when considerations other than terrorism can be considered relevant to the assessment of an individual who is thought vulnerable to being drawn into terrorism is bounded by the requirement to assess the risk of being drawn into terrorism under sections 26(1) and 36(1) of the Counter-Terrorism and Security Act 2015.”

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*13 December 2018*

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