

Counter-Terrorism and Sentencing Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 16

LORD FALCONER OF THOROTON

Page 16, line 33, at end insert –

- “() Section 255 of the Sentencing Code (extended sentence of detention: availability) is amended as follows.
- () 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 –
 - (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).”
- () 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.
- () The report of the first review must be laid before Parliament within one year of this Act being passed.”

Clause 27

LORD FALCONER OF THOROTON

Page 24, line 5, at end insert –

“and the prisoner was aged 21 or above at the time of their conviction”

Clause 28

LORD FALCONER OF THOROTON

Page 24, line 36, at end insert –

“and the prisoner was aged 21 or above at the time of their conviction”

Clause 31

LORD FALCONER OF THOROTON

Page 28, line 25, at end insert –

“and the prisoner was aged 21 or above at the time of their conviction”

After Clause 31

LORD PONSONBY OF SHULBREDE

Insert the following new Clause –

“Parole Board

- (1) The Secretary of State must, within three years of this Act being passed, lay before Parliament a report on whether the removal of the Parole Board from considering certain types of terrorist offences leads to bad behaviour in prisons.
- (2) A Minister of the Crown must make an oral statement in the House of Commons on his or her plan to address any issues identified in the report no later than three months after it has been laid before Parliament.”

After Clause 35

LORD FALCONER OF THOROTON

Insert the following new Clause –

“Review of polygraph testing on terrorist offenders

- (1) The Secretary of State must, within six months of this Act being passed and before sections 32 to 35 come into force, 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) The 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

After Clause 35 - continued

- (f) evidence from 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 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.

Clause 37

LORD FALCONER OF THOROTON

Page 34, line 36, 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.

Clause 47

LORD PONSONBY OF SHULBREDE

Page 40, line 35, leave out subsection (1) and insert –

- “(1) In section 20(9) of the Counter-Terrorism and Border Security Act 2019 (persons vulnerable to being drawn into terrorism) omit the words from “within the period” to the end and 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 would have to report by 1 July 2021.

After Clause 47

LORD FALCONER OF THOROTON

Insert the following new 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) The report must separately consider the financial impact of –
 - (a) extended sentences and their impact 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.

After Clause 47 - continued

- (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 three months after the report has been laid before Parliament, make an oral statement in the House of Commons on his or her 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.

LORD PONSONBY OF SHULBREDE

Insert the following new 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 review of the impact of the provisions of this Act on the effectiveness and availability of deradicalisation programmes in prisons.
- (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.

Insert the following new Clause –

“Prison capacity impact assessment report

- (1) The Secretary of State must lay before Parliament a report on the potential impact of the provisions of this Act on prison capacity within 12 months of this Act being passed.
- (2) A Minister of the Crown must make an oral statement in the House of Commons on his or her plan to address any issues identified in the report no later than three months after it has been laid before Parliament.”

After Clause 47 - continued

Insert the following new 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 (qualification for appointment).
- (3) A review under subsection (1) must consider –
 - (a) counter-terrorism policy;
 - (b) sentencing policy as it applies to terrorist offenders;
 - (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 table a motion in the House of Commons in relation to the report no later than three months after the report has been laid before Parliament.”

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 counter-terrorism and sentencing policy.

Insert the following new Clause –

“Review of legislation: Northern Ireland

- (1) On an annual basis from the day of this Act being passed, the Secretary of State must publish and lay before both Houses of Parliament a report that reviews the application of the provisions of this Act in Northern Ireland.
- (2) In producing annual reports under subsection (1), the Secretary of State must consult 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.

Insert the following new Clause—

“Review of legislation: National Probation Service

- (1) Within 18 months of this Act being passed, the Secretary of State must commission a review and publish a report on the impact of the provisions in this Act on the National Probation Service.
- (2) A review under subsection (1) must consider—
 - (a) the probation support provided to offenders convicted for terrorist offences;
 - (b) the—
 - (i) type, and
 - (ii) numberof specialist staff employed by the National Probation Service to work with terrorist offenders;
 - (c) the—
 - (i) training,
 - (ii) assessed skill level, and
 - (iii) assessed experienceof 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 two 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 three months after the report has been laid before Parliament, table 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.

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7 October 2020
