



ADS SUBMISSION ON THE COUNTER-TERRORISM AND BORDER SECURITY BILL 2017-2019

6 JULY 2018

About ADS

- 1.1 ADS is the national trade association advancing the UK's Aerospace, Defence, Security and Space industries. ADS comprises over 1,000 member companies across all four sectors, with over 950 of these companies identified as Small and Medium Size Enterprises (SMEs).
- 1.2 The UK is a world leader in the supply of aerospace, defence, security and space products and services. From technology and exports, to apprenticeships and investment, our sectors are vital to the UK's growth – generating £74bn a year for the UK economy, including £41bn in exports, and supporting around 1,000,000 jobs across the country.

Key points

- 1.3 ADS welcomed the recent release of the Government's updated counter-terrorism strategy, CONTEST, which stressed the need for a more integrated relationship between the private sector and Government, and which recognised the role that industry can play to make public spaces safer, protect our infrastructure and ensure there are no safe spaces for terrorists online. ADS also supports the National CT Step-Change Programme, led by the National Counter Terrorism Security Office.
- 1.4 With regard to the Counter-Terrorism and Border Security Bill 2017-2019, ADS supports the Government's goal to ensure the police and security services have the powers they need to keep the UK safe. As most of the Bill concentrates on issues relating to sentencing, detainment and communications, this submission focuses on the Clauses directly affecting industry, 3 and 14.
- 1.5 ADS welcomes Clause 19, which will enable the Government-backed reinsurer of terrorism damage, Pool Re, to provide reinsurance cover for any financial loss suffered by businesses that are not directly caused by physical damage to property, but still as a result of an act of terrorism.

Clause 3

- 1.6 Clause 3 would criminalise the streaming of material likely to be useful to a person committing or preparing an act of terrorism.
- 1.7 Under Section 58(3) of the Terrorism Act 2000 a person can claim a 'reasonable excuse' as defence for accessing such material, for instance if they are an academic or journalist. When the then Home Secretary, Amber Rudd, announced the Government's review of counter terrorism legislation in October 2017 she noted that "A defence of 'reasonable excuse' would still be

available to academics, journalists or others who may have a legitimate reason to view such material.”

- 1.8 Some ADS members undertake open source research into extremist material, often in fulfilment of Government contracts. ADS would therefore welcome clarity in the law that a ‘reasonable defence’ excuse would extend to the repeated streaming of such material, and that it applies more widely to industry, not simply academics and journalists.

Clause 14

- 1.9 Clause 14 makes amendments to the 1984 Act in respect of the operation of ATTROs (Anti-Terrorism Traffic Regulation Orders), removing the requirement for an ATTRO to be advertised where to do so would frustrate the purpose of the order and also allowing the cost of an ATTRO to be recharged to the beneficiary.
- 1.10 As per Section 22D, from a broader industry perspective ADS would welcome reassurance that the potential security benefits of a decision by police forces to not advertise an ATTRO before it comes into force will be carefully weighed against the economic impact this could have on local businesses, who may be unable to make plans to mitigate the impact of an ATTRO in their local area.
- 1.11 As per Section 22CA ADS agrees with the principle that a beneficiary should bear the costs of an ATTRO, if it is applied at their request. However, Section 22CA states that an ‘authority may impose a charge of such amount as it thinks reasonable in respect of anything done in connection with or in consequence of the order or notice (or proposed order or notice).’ ADS believes that the beneficiary in question should be consulted appropriately by the authority before a charge is levied, and we would recommend that a principle of proportionality is always upheld by the authorities as they interact in this area with businesses operating both within our sectors, and in the business community more broadly.