

Counter-Terrorism and Border Security Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 3

BARONESS WILLIAMS OF TRAFFORD

- 1** Page 2, line 44, at end insert “, or
(b) the person’s action or possession was for the purposes of—
(i) carrying out work as a journalist, or
(ii) academic research.”

Clause 4

BARONESS WILLIAMS OF TRAFFORD

- 2** Page 3, line 19, at end insert—
- “(3A) The cases in which a person has a reasonable excuse for the purposes of subsection (2) include (but are not limited to) those where—
(a) the person enters, or remains in, a designated area involuntarily, or
(b) the person enters, or remains in, a designated area for or in connection with one or more of the purposes mentioned in subsection (3B).
- (3B) The purposes are—
(a) providing aid of a humanitarian nature;
(b) satisfying an obligation to appear before a court or other body exercising judicial power;
(c) carrying out work for the government of a country other than the United Kingdom (including service in or with the country’s armed forces);
(d) carrying out work for the United Nations or an agency of the United Nations;
(e) carrying out work as a journalist;
(f) attending the funeral of a relative or visiting a relative who is terminally ill;
(g) providing care for a relative who is unable to care for themselves without such assistance.

- (3C) But a person has a reasonable excuse for entering or remaining in a designated area by virtue of subsection (3A)(b) only if—
- (a) the person enters or remains in the area exclusively for or in connection with one or more of the purposes mentioned in subsection (3B), or
 - (b) in a case where the person enters or remains in the area for or in connection with any other purpose or purposes (in addition to one or more of the purposes mentioned in subsection (3B)), the other purpose or purposes also provide a reasonable excuse for doing so.
- (3D) For the purposes of subsection (3B)—
- (a) the reference to the provision of aid of a humanitarian nature does not include the provision of aid in contravention of internationally recognised principles and standards applicable to the provision of humanitarian aid;
 - (b) references to the carrying out of work do not include the carrying out of any act which constitutes an offence in a part of the United Kingdom or would do so if the act occurred in a part of the United Kingdom.”

3 Page 3, line 26, at end insert—
 ““relative” means spouse or civil partner, brother, sister, ancestor or lineal descendant;”

4 Page 4, line 18, at end insert—
 “(4A) Regulations under this section cease to have effect at the end of the period of 3 years beginning with the day on which they are made (unless they cease to have effect at an earlier time as a result of their revocation or by virtue of section 123(6ZA)(b)).
 (4B) Subsection (4A) does not prevent the making of new regulations to the same or similar effect.”

5 Page 4, line 27, at end insert—
 “(6ZAA) Regulations laid before Parliament under subsection (6ZA) designating an area outside the United Kingdom must be accompanied by a statement setting out the grounds on which the Secretary of State has determined that the condition for making the regulations referred to in section 58C(2) is met in relation to that area.”

6 Page 4, line 36, at end insert—
 “(6ZD) Regulations under section 58C that only revoke previous regulations under that section are subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 6

BARONESS WILLIAMS OF TRAFFORD

7 Page 5, line 17, leave out subsection (1) and insert—
 “(1) Section 17 of the Terrorism Act 2006 (commission of offences abroad) is amended as follows.
 (1A) Subsection (2) is amended in accordance with subsections (2) to (4) below.”

8 Page 5, line 31, at end insert—

“() In subsection (3), after “citizen” insert “(subject to subsection (3A))”.

() After subsection (3) insert—

“(3A) Subsection (1) applies in the case of an offence falling within subsection (2)(ca) or (cb) only if at the time of committing the offence the person is a United Kingdom national or a United Kingdom resident.

(3B) In subsection (3A)—

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject, or
- (c) a British protected person within the meaning of that Act;

“United Kingdom resident” means an individual who is resident in the United Kingdom.”

After Clause 16

BARONESS WILLIAMS OF TRAFFORD

9 Insert the following new Clause—

“Persons detained under port and border control powers

(1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.

(2) In paragraph 6, after sub-paragraph (3) insert—

“(4) A detained person must be informed of the right under this paragraph on first being detained.”

(3) In paragraph 7, after sub-paragraph (2) insert—

“(3) A detained person must be informed of the right under this paragraph on first being detained.”

(4) In paragraph 9—

(a) for sub-paragraphs (1) and (2) substitute—

“(1) This paragraph applies where a detained person exercises the right under paragraph 7 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 detained person’s choosing.

- (2A) A direction under this paragraph may be given before or after a detained person'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).", and
- (b) omit sub-paragraphs (4) and (5).
- (5) In paragraph 16—
- (a) in sub-paragraph (8), omit "Subject to paragraph 17,"; and
- (b) after sub-paragraph (9) insert—
- “(10) A detained person must be informed of the rights under sub-paragraphs (1) and (6) on first being detained.”
- (6) In paragraph 17—
- (a) for sub-paragraphs (1) and (2) substitute—
- “(1) This paragraph applies where a detained person exercises the right under paragraph 16(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 detained person's choosing.
- (2A) A direction under this paragraph may be given before or after a detained person'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).", and
- (b) in sub-paragraph (3), in the opening words for "(1)" substitute "(2)".”

Schedule 1

BARONESS WILLIAMS OF TRAFFORD

- 10 Page 28, line 8, at end insert—
- “() the cases in which a person “holds” an account include those where the person is entitled to operate the account;”

Schedule 3

BARONESS WILLIAMS OF TRAFFORD

- 11 Page 55, line 35, at end insert—
- “() A detainee must be informed of the right under this paragraph on first being detained.”

- 12 Page 55, line 40, at end insert—
“() A detainee must be informed of the right under this paragraph on first being detained.”
- 13 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).”
- 14 Page 57, line 25, leave out sub-paragraphs (5) and (6)
- 15 Page 60, line 12, leave out “Subject to paragraph 39,”
- 16 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.”
- 17 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).”
- 18 Page 60, line 39, leave out “(1)” and insert “(2)”
- 19 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

20 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).”