

Lord Kennedy of Southwark
House of Lords
London
SW1A 0PW

11 January 2019

Dear Roy,

COUNTER-TERRORISM AND BORDER SECURITY BILL: GOVERNMENT AMENDMENTS FOR THIRD READING

I am writing to let you have details of the Government amendments for Third Reading which I have tabled today.

Designated area offence (amendments to clause 4)

Clause 4 of the Bill provides for a new offence of entering or remaining in a designated area outside of the United Kingdom (contained in new section 58B of the Terrorism Act 2000). The aim of the new offence is to help tackle the phenomenon of foreign terrorist fighters.

You will recall that at Report stage the House considered two alternative proposals for providing further assurance to those persons who had a legitimate reason for travelling to a designated area. The Government amendment would have provided for an indicative list of reasonable excuses for entering or remaining in a designated area, including for the purposes of providing aid of a humanitarian nature, carrying out work as a journalist or visiting a relative who is terminally ill. However, the House instead agreed an amendment, put forward by Lord Rosser, which provided that a person does not commit the offence if they enter or remain in a designated area for one or more specified purposes (as now set out in new section 58B(5)). The list of specified purposes mirrors the Government's proposed list of reasonable excuses. The amendment agreed by the House included a power, by regulations (subject to the draft affirmative procedure), to add to or remove a specified purpose (new section 58B(7)).

The Government has reflected carefully on the debate at Report stage and considered further the terms of what is now new section 58B(4) to (9) of the 2000 Act. Having consulted operational partners, we are satisfied that the amendment made at Report stage does not undermine the effectiveness of the new offence, accordingly the Government is content to retain these provisions. We have, however,

identified a small number of amendments to improve the clarity of the drafting. These amendments:

- Make clear in subsection (1) of new section 58B that the offence is subject to the provisions in subsections (3) and (4);
- Provide for a definition of “terminally ill”; and
- Provide for the parliamentary procedure for the new regulation-making power to be set out in section 123 of the 2000 Act, rather than in new section 58B (consistent with the approach taken across the 2000 Act). The amendments do not change the application of the affirmative resolution procedure to these regulations.

I attach a supplementary delegated powers memorandum relating to the regulation-making power in new section 58B(7).

I am copying this letter to all Peers who spoke at Second Reading, to Lord Hope of Craighead, Lord Judge, Lord Blair, Lord Carlile, Lord Pannick, Earl Attlee, Harriet Harman (Chair, Joint Committee on Human Rights), Lord Blencathra (Chair, Delegated Powers and Regulatory Reform Committee), Nick Thomas-Symonds and Gavin Newlands. I am also placing a copy of this letter along with the Government Amendments and the supplementary delegated powers memorandum in the Library of the House.

A handwritten signature in black ink, appearing to read 'Susan', written in a cursive style.

Baroness Williams of Trafford