



Counter-Terrorism and Security Bill

Top Lines

- The key objectives of this part of the Bill are: preventing or disrupting the exit from or entry to the UK of individuals posing a terrorism-related threat; and mitigating the threat of an attack on aircraft operating to the UK (or onward from the UK). In line with the current terrorist threat, these measures are primarily about aviation, but they also address maritime and international rail travel.
- The measures fall under three broad headings:
 - Authority to Carry – to extend the operation of authority to carry ('no fly') scheme to all individuals who pose a terrorism or security-related threat, including British nationals, and to put outbound authority to carry arrangements on a statutory footing.
 - Passenger data – to require carriers to be able to receive information granting or refusing authority to carry in a way which is compatible with the Government's Border System; to make regulations requiring provision of passenger information without specific written notice; and to establish civil penalties for failing to provide passenger information when required to do so.
 - Specified Security Measures – to enhance our ability to require aviation, maritime and rail carriers operating into and within the UK to undertake specified security measures, including screening of passengers.
- These measures will help ensure carriers that won't comply with our 'no fly' lists or security measures cannot operate to the UK.
- Schedule 7 to the Terrorism Act 2000 contributes daily to keeping the British public safe through examination of people and goods at ports and the border. Measures in the Bill clarify the legal basis for this power where goods are located outside the port itself or include postal items.

Background

- In order to respond to the changing terrorist threat, there is a need to strengthen our position across aviation, international rail and maritime. The threat to aviation from certain terrorist groups is well documented, and continues to evolve. Aviation remains an iconic target and terrorist groups continue to look for ways to defeat aviation security. The development of new international rail services across Europe requires us to be more responsive to a change in threat.
- The Security and Travel Ban's Authority to Carry Scheme (our 'no fly' scheme) was introduced in 2012 to prevent individuals who pose a terrorist threat from travelling to the UK. Carriers are required to seek authority to carry all individuals who fall within the scope of the scheme. Failure to seek authority to carry, or carrying to the UK a person they were refused authority to carry may result in a fine. This Bill includes provision to broaden our existing scheme to include individuals leaving (or expected to leave) the UK and extends the arrangements to additional classes of individuals.
- Schedule 7 helps protect public safety by allowing an examining police officer to examine goods to determine whether they have been used in the commission, preparation or instigation of acts of terrorism. This is an important tool, given the current threat, as goods examinations have revealed terrorist-related material including birth certificates, passports, mobile phones, memory cards and firearms.

Key facts

- The UK's first authority to carry scheme was introduced in 2012. Since then we have stopped a small number of people who might have posed a terrorism-related threat from travelling here.
- The Government's Border System uses Advance Passenger Information and Passenger Name Records to identify individuals of concern.
- 39 countries (including the US, Canada, Mexico & Spain) require passenger information before a flight's arrival.
- 32 more plan to introduce similar requirements shortly.

'We are also putting our long-standing arrangements on aviation security around the world on a statutory footing. Airlines will have to comply with our no fly list arrangements, give us information on passenger lists and comply with our security screening requirements. If they do not do this, their flights will not be able to land in Britain.'
David Cameron, Prime Minister, 1 September 2014



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What does the Bill do to the ‘No Fly’ scheme that current legislation does not?

- The current statutory arrangements apply inbound to the UK only. The Bill makes provision for a new authority to carry scheme for passengers arriving (or expected to arrive) in the UK or departing (or expected to depart) from the UK.
- The Bill will also extend the operation of authority to carry schemes to a broader range of individuals who pose a terrorism-related threat to the UK, including British nationals.

How will the Government deal with people who mistakenly identified as being on the ‘no fly’ list? Will there be a redress mechanism?

- To safeguard the operation of the authority to carry scheme, we have administrative arrangements in place to provide for timely review of individuals’ enquiries/complaints about inclusion on the No Fly list.
- This will correct errors and ensure the individual is not mistakenly identified in the future.

Why do you need these additional provisions on passenger data if you already have legislation?

- The new provisions build on existing legislation. The Bill provides for civil sanctions for non-compliance, where these are more appropriate than existing criminal sanctions.
- The Bill also includes provisions to require carriers to be able to receive information granting or refusing authority to carry in a way which is compatible with the Government’s Border System.

Will this Bill address the widely publicised media reports of certain carriers failing to provide advance passenger information?

- We already receive the vast majority of passenger information for flights departing to and from the UK. We are working with carriers and making progress in the few instances where they consider they are unable to provide passenger information for legal reasons. The Bill provides for regulations to establish civil penalties for failing to provide passenger information when required to do so.

Why are changes needed to specified security measures?

- Under existing legislation the Secretary of State for Transport has wide-ranging powers of direction. This Bill will clarify and enhance these powers, in particular as they relate to flights into the UK.
- It will:
 - specify that particular security searches of persons, property or the aircraft, ship or train may be required, in accordance with directions made by the Secretary of State, as a condition of operating in to the UK or entering a UK harbour;
 - speed up the process by enabling directions to be served through carriers’ computer systems; and
 - for aviation, provide a more flexible enforcement mechanism through the introduction of civil penalties as an alternative to existing criminal penalties.

Why is Schedule 7 being amended?

- There is a need to put beyond doubt the legal basis for the examination of goods under Schedule 7 to the Terrorism Act 2000 where these are located outside the immediate boundary of a port or are post.
- Current legislation does not define a port for the purposes of the goods examination power. In practice, goods storage can be outside the immediate boundary of a port. The Bill will make clear the locations at which examination of goods may lawfully take place.
- Current practice of overt examination of goods at ports includes items of post. The Bill confirms that this practice is foreseeable and lawful.
- In parallel with the Bill’s passage we will hold a public consultation on the revised Schedule 7 Code of Practice, which will also be subject to Parliamentary scrutiny.