



Counter-Terrorism and Security Bill

Top Lines

- This power enables the police to seize and retain a person's travel documents (including their passport and travel tickets) at a port when there is reasonable suspicion that the person is travelling outside the United Kingdom for the purpose of involvement in terrorism-related activity.
- This power is a significant addition to the existing range of powers that can disrupt terrorism-related activity and, in particular, enables the police to take immediate action against people leaving the UK to engage in terrorism overseas.
- Travel documents can only be retained for an initial period of no more than 14 days while investigations take place into the potential for longer term disruptive action. The police must apply to a court to continue to hold the travel documents, up to a maximum retention period of 30 days. The individual would not be detained during this retention period.

Background

- The power enables the seizure and temporary retention of travel documents where a person is reasonably suspected of intending to leave Great Britain or the United Kingdom for the purpose of involvement in terrorism-related activity outside the United Kingdom. The power can also be used on those arriving in Great Britain or Northern Ireland with the intention of leaving soon to engage in terrorism-related activity.
- This enables law enforcement officers at port to seize and retain travel documents for an initial period of up to 14 days during which consideration can be given to whether further disruption activity is needed. During this period the individual would not be detained.
- The power can be exercised by the police or, upon police direction, by a Border Force officer. The power may be exercised at any port within the United Kingdom or in the border area between Northern Ireland and the Republic of Ireland. In all circumstances, authorisation to retain the travel document must be provided by a senior police officer.
- Travel documents should be returned no later than 14 days (beginning with the day after they are seized). If more time is required to retain travel documents as consideration is still being given to further disruptive action judicial authority must be granted by a District Judge (England and Wales), the Sheriff (Scotland) or a County Court Judge or District Judge (Northern Ireland) to extend the retention period up to 30 days. No further extension will be allowed beyond 30 days.
- Once consideration of further disruptive action has been completed or 14 days after the day on which the travel document was seized, whichever comes first, the travel documents must be returned to the individual if no further action is being taken against the individual, and a court has not approved a further retention period.
- Even before 14 days (or 30 days if extended by a court), travel documents should be returned as soon as consideration of further disruptive action has concluded and where no further action is being taken.

Key facts

- Since April 2010, over 750 people have been arrested for terrorism-related offences, more than 210 have been charged and over 140 have been successfully prosecuted.
- The Royal Prerogative has been used to cancel or refuse a British passport to 29 people on public interest grounds since April 2013 (to 1 December).

"We know that over 500 British nationals travelled to join the conflict. Many have returned and many will wish to do so in the coming months and perhaps in future years."

Sir Bernard Hogan-Howe, Metropolitan Police Commissioner



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What is the power?

- The power permits the *immediate* disruption of a person's travel and would fill a gap in current powers where we are unable to stop the immediate travel of an individual of concern who arrives unexpectedly, or at very short notice, at port. The power allows law enforcement officers to retain the travel documents while consideration is given to longer term disruptive action.
- The increasing number of people travelling in and out of the UK for the purpose of engaging in terrorism-related activity means we need proportionate powers to counter the real threat we face from terrorism at home and abroad.

What is the operational benefit of the power?

- It disrupts the individual's immediate travel, by removing his or her passport and travel documents.
- It gives operational partners time to further investigate the nature and extent of a person's involvement in terrorism related activity and whether long term disruptive measures are appropriate.

Why retain travel documents for up to 30 days?

- The police and operational partners consider that 30 days is sufficient time to gather evidence and intelligence and assess if there is a case for a criminal charge, exercising the Royal Prerogative [against British passport holders] or taking other disruptive action.
- Travel documents may not be retained for more than 14 days after the day of seizure without approval from a judicial authority. 30 days is the maximum period that travel documents may be retained.

What further disruptive action is possible?

- This could include criminal prosecution, a Terrorism Prevention and Investigation Measure, the exercise of the Royal Prerogative to cancel their passport, deprivation of citizenship, or deportation.

What is the test for using these powers?

- The threshold for exercising the power is the police officer has *reasonable grounds to suspect* that the person is at the port with the intention of leaving Great Britain or the United Kingdom for the purpose of involvement in terrorism-related activity outside the United Kingdom.
- The grounds for suspicion may arise as a result of intelligence or on the basis of observation or information obtained at port.

Why are existing powers insufficient?

- Most existing powers – such as the Royal Prerogative – have a longer lead-in time and there are limits as to how quickly they can be exercised.
- This power permits the disruption of an individual's immediate travel while further consideration is given to the possibility of longer-term disruptive measures.

What other safeguards will prevent the abuse of this power?

- The police can only exercise the power based on reasonable suspicion that a person is travelling for terrorism-related activity outside the United Kingdom.
- The officer exercising the power is accountable to the courts and is also subject to reporting and recording requirements.
- The initial decision must be approved by a senior officer – ranked Superintendent or higher. The decision to retain travel documents will then be reviewed within 72 hours by a more senior police officer outside the chain of command.
- Parliament will approve a statutory Code of Practice for officers on how to exercise the power.



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How will this work in practice?

