



Counter-Terrorism and Border Security Act 2019

Designated Area Offence Fact Sheet

What are we going to do?

- Create an offence of entering, or remaining in, an area outside the United Kingdom that has been designated in regulations made by the Home Secretary.

Key quote

“In the scenario of a future conflict that was attracting foreign fighters from the UK, we see real operational value in a Designated Area Offence. Such a power would have a deterrent effect to some of those who would seek to travel, and be a helpful disruptive and punitive tool upon return.”

Assistant Commissioner Neil Basu, National Lead for Counter-Terrorism Policing

How are we going to do it?

The Act:

- Creates an offence of entering, or remaining in, an area outside the United Kingdom that has been designated in regulations made by the Home Secretary. Entering or remaining in a designated area solely for one or more exempted purposes will not be an offence; a reasonable excuse defence will also be available.
- The test for designating an area would be that the Home Secretary, having consulted the Foreign Secretary, is satisfied that it is necessary to restrict UK nationals and residents from travelling to or remaining in the area for the purpose of protecting the public from a risk of terrorism.
- The offence will carry a maximum penalty of 10 years’ imprisonment, and will be in scope for extended sentence provisions under the Criminal Justice Act 2003 and equivalent legislation in Scotland and Northern Ireland.

Background

- Foreign terrorist fighters present a significant threat to the UK and other countries. For example, since 2014, we have seen large numbers of individuals travelling to Iraq and Syria to engage in terrorist-related activity.
- The Act extends extra-territorial jurisdiction to a number of additional terrorist offences so that those returning who have engaged in further types of terrorist conduct can be prosecuted, but the Government believes that it can do more to prevent UK nationals and residents from travelling abroad to take part in or help sustain future foreign conflicts.
- In his evidence to the Public Bill Committee, Assistant Commissioner Neil Basu, the National Lead for Counter-Terror Policing, was clear that a new offence of banning travel to designated conflict zones would help to tackle the threat posed by foreign fighters.



Counter-Terrorism and Border Security Act 2019

Designated Area Offence Fact Sheet

Will this new offence be retrospective?

- No. The offence will not allow the retrospective prosecution of those who have already travelled overseas to fight, such as in Iraq and Syria, but it will assist in a future conflict to which UK nationals or residents seek to travel.

Will there be a reasonable excuse for travelling to a designated area?

- The Act contains a number of exempted purposes for travelling to a designated area; these are providing aid of a humanitarian nature, carrying out work as a journalist, satisfying an obligation to attend court, carrying out work for the United Nations or an agency of the United Nations, carrying out work for the government of a country other than the UK, or attending the funeral of a relative or visiting a terminally ill relative.
- It also provides a defence for individuals who have a reasonable excuse falling outside of these exemptions.
- The offence would not apply to a person who is in the service of, or acting on behalf of, the Crown (for example, as a member of the armed forces).

- Once an area has been designated, there will be a grace period of one month to allow a person within the area to leave before the offence takes effect.

How will you be able to prove that an individual has been in a designated area?

- We do not comment on operational activity which may be used to gather evidence.
- However, the police are confident that they will be able to evidence cases where an individual has entered or remained in a designated area to the required criminal standard.

Key facts

- The 'made affirmative' procedure will apply to the regulations made by the Home Secretary so that the regulations will come into force quickly, but ensuring that they will still be subject to parliamentary debate and approval.
- Both Denmark and Australia have a similar offence, which have been used in relation to the conflict in Iraq and Syria.
- More than 900 individuals of national security concern from the UK have travelled to engage with the conflict in Syria.