



Counter-Terrorism and Border Security Act 2019

Hostile State Activity Ports Power Fact Sheet

What are we going to do?

- Strengthen the country's defences at the border against hostile state activity.

Key quote

"The UK faces a sustained threat to our national security from hostile state activity. In the same way as the police have the power to examine people at the border to determine whether they are engaged in terrorist activity, so too should they have the power to question individuals who may be engaged in hostile state activity."

**Rt Hon Ben Wallace MP,
Minister of State for Security and Economic Crime**

How are we going to do it?

- The Act confers powers on examining officers (the police and designated immigration and customs officers) to stop, question, search and detain individuals at the UK border to determine whether they appear to be a person who is, or has been, engaged in hostile activity.

Background

- On 14 March 2018, in her statement regarding the UK response to the attempted assassination of Sergei and Yulia Skripal, the Prime Minister announced that the Government was developing legislative proposals for new legislation to harden the country's defences against all forms of hostile state activity, explicitly including a ports stop power.
- The UK faces a sustained threat from hostile state actors seeking to undermine our national security in a wide variety of ways, including espionage and – as the attack in Salisbury has made clear – violence against individuals. The ability to stop, question, search and detain individuals to determine whether they appear to be or have engaged in hostile activity represents a major improvement in the UK's ability to tackle this threat.



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In what circumstances may someone be stopped and questioned at the border?

- An examining officer will be able to stop, question, search and detain a person at the border for the purpose of determining whether he or she appears to be a person who is, or has been, engaged in hostile activity. Hostile activity for these purposes covers the commission, preparation or instigation of a hostile act that is or may be carried out for, or on behalf of, a State other than the UK, or otherwise in the interests of a State other than the UK.

What constitutes a “hostile act”?

- A hostile act for these purposes is one that threatens national security, threatens the economic well-being of the UK in a way relevant to the interests of national security, or is an act of serious crime. The act must also be linked to a foreign state, as outlined above.

Why isn't ‘Schedule 7’ appropriate for this purpose?

- Schedule 7 to the Terrorism Act 2000 should only be used to determine if an individual is, or has been, involved in the commission, preparation, or instigation of acts of terrorism.

Who will be able to exercise this power?

- Only appropriately trained and accredited police, immigration and customs officers will be able to use this power.

What safeguards are there to protect confidential information?

- An examining officer will only be able to examine confidential information (information subject to greater legal protection), if authorised by the Investigatory Powers Commissioner who must, before coming to a decision, consider representations by affected parties, including the person from whom the material was taken. The Commissioner will be able to authorise access to such material and/or its destruction if necessary if there are reasonable grounds to suspect that it has been used, or is intended for use, in connection with the carrying out of a hostile act.

Will this measure apply across the United Kingdom?

- This provision will apply across the United Kingdom and could be used at any port or airport, within one mile of the Northern Ireland land border and at the first place at which a train travelling from the Republic of Ireland stops in Northern Ireland where passengers may leave the train.

Key facts

- This provision is closely modelled on Schedule 7 to the Terrorism Act 2000, an important tool in protecting our borders against terrorist threats.
- The Act provides for independent oversight of the use of this power by the Investigatory Powers Commissioner.