



Counter-Terrorism and Border Security Act 2019

Overarching Fact Sheet

What does the Act do?

- Updates terrorism offences for the digital age, and to reflect contemporary patterns of radicalisation.
- Disrupts terrorism by enabling the police to intervene at an earlier stage in investigations.
- Ensures that sentences properly reflect the seriousness of terrorism offences, and strengthen the ability of the police to manage terrorist offenders after their release.
- Strengthens the country's defences at the border against hostile state activity.

Key quote

"This Act will ensure that the police, Security Service, prosecutors and the judiciary have the powers they need to tackle the evolving threat posed to the UK by terrorism and hostile state activity, in order to keep the public safe and to protect our National Security."

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

How are we going to do it?

The Act:

- Amends the offence of collecting information likely to be useful to a terrorist (section 58 of the Terrorism Act 2000 ("the 2000 Act")) to cover the viewing or streaming of material online. The existing reasonable excuse defence will apply, and will be expanded to clarify that it includes circumstances where a person does not know or have reason to believe that the document they are accessing contains terrorist material, or that they access such material for the purpose of carrying out work as a journalist or academic research.
- Extends the offence of inviting support for a proscribed organisation (section 12 of the 2000 Act) to cover those who express supportive opinions, reckless as to whether they will encourage others to support the organisation.
- Updates the offence of publishing an image displaying a flag, emblem or other such symbol of a proscribed organisation (section 13 of the 2000 Act) so that the criminal law covers displays online. It will also confer a power on constables to seize an item of clothing (outer garments only) or other article which arouses reasonable suspicion that the person is a member or supporter of a proscribed organisation.
- Provides for a new offence of entering or remaining in an area outside the United Kingdom that has been designated in regulations made by the Secretary of State in order to protect the public from a risk of terrorism.
- Amends the offences of encouragement of terrorism (section 1 of the Terrorism Act 2006 ("the 2006 Act")) and dissemination of terrorist publications (section 2 of the 2006 Act) so that they apply in cases where the conduct is directed at a child or vulnerable adult who may not understand what they are being encouraged to do.



How are we going to do it?

- Extends extra-territorial jurisdiction so that it applies to further terrorism offences. This will ensure that individuals abroad can be prosecuted for having encouraged or carried out acts of terror overseas in the same way as if they had committed these offences in the UK.
- Increases the maximum penalty to 15 years for certain preparatory terrorism offences, namely: collecting terrorist information (section 58 of the 2000 Act); eliciting, communicating or publishing information that is likely to be useful to a terrorist about a member of the armed forces, police or intelligence services (section 58A of the 2000 Act); encouragement of terrorism (section 1 of the Terrorism Act 2006); and dissemination of terrorist publications (section 2 of the 2006 Act).
- Increases to 10 years' imprisonment the maximum penalty for failing to disclose information about acts of terrorism (section 38B of the 2000 Act).
- Brings preparatory terrorism offences within the scope of extended determinate sentences and sentences for offenders of particular concern provided for in the Criminal Justice Act 2003, and make analogous provision for Scotland and Northern Ireland.
- Extends to Northern Ireland the provision, in section 30 of the Counter-Terrorism Act 2008, which requires a court when sentencing a person for a specified non-terrorist offence, to treat a terrorist connection as an aggravating factor. The Act will add the offence of wounding with intent (section 18 of the Offences against the Person Act 1861) and certain offences in Scotland and Northern Ireland to the list of specified trigger offences.
- Strengthens the terrorist offender notification requirements (including to align them more closely with the requirements on registered sex offenders) and extend the notification requirements to persons convicted in Northern Ireland of an offence with a terrorist connection.
- Adds terrorism offences to the list of specified offences where courts must consider an application for a Serious Crime Prevention Order.
- Introduces a statutory bar on the admissibility as criminal evidence of oral admissions made in an examination at a port under Schedule 7 to the 2000 Act.
- Provides for the detention clock for persons arrested or detained under the 2000 Act to be paused if the arrestee/detainee is transferred to hospital.
- Ensures that an individual detained under Schedule 7 to the 2000 Act has the right to consult a lawyer in private, and that an individual detained under this power is informed of their rights when they are first detained.
- Amends the regime governing the retention of fingerprints and DNA, including by increasing from two to five years the maximum period such material may be retained on national security grounds in a case where a person has not been convicted of an offence.



How are we going to do it?

- Amends the regime governing Anti-Terrorism Traffic Regulation Orders (“ATTROs”), including by removing the requirement for an ATTRO to be advertised where to do so would frustrate the purpose of the order. An ATTRO helps to keep people safe from the threat of terrorism by enabling protective security measures to be put in place to reduce vulnerability to, or mitigate the impact of, terrorist attacks on or near roads.
- Enables local authorities, as well as the police, to refer persons at risk of being drawn into terrorism to local (“Channel”) panels. A Channel panel helps to deliver the aims of the Prevent strategy by ensuring that individuals who are identified as being at risk of being drawn into terrorism are given appropriate advice and support so that they may turn away from radicalisation.
- Provides for an independent review on the Government strategy for supporting people vulnerable to being drawn into terrorism.
- Amends the Reinsurance (Acts of Terrorism) Act 1993 so that the government-backed terrorism reinsurer, Pool Re, can extend its business interruption cover to include losses that are not contingent on physical damage to property.
- Confers power on examining officers (that is, police constables and designated immigration and customs officers) to stop, question, search and detain persons at a port or border area for the purpose of determining whether they are, or have been, involved in hostile state activity.

Background

- In 2017 the UK was subject to five terrorist attacks in London and Manchester which killed 36 innocent victims and injured many more. Since the Westminster attack in March 2017 the police and security services have thwarted a further 13 Islamist terror plots. Over the same period, police have been able to prevent a further four extreme right wing inspired plots. The terrorist threat is rapidly evolving, with much radicalisation taking place online. The operational pace for the police and Security Service is much faster than seen before.
- On 4 June 2017, following the London Bridge attack, the Prime Minister [announced](#) that there would be a review of the Government’s counter-terrorism strategy (CONTEST) “to make sure the police and security services have all the powers they need”. The strengthened strategy, published in June 2018, sets out how we will build on the UK’s formidable capabilities, experience and expertise to tackle the growing and changing threat from terrorism in all its forms. The provisions in the Act underpin our approach, ensuring the police and prosecutors have the powers they need to enable intervention at an earlier stage in investigations, leading to more prosecutions for terrorism offences, backed up by longer prison sentences and stronger management of terrorist offenders after their release.



Background

- Foreign terrorist fighters present a significant threat to the UK and other countries. Since 2014, we have seen large numbers of individuals travelling to Iraq and Syria not only to join proscribed terrorist organisations, but to take up active roles in the fighting. In evidence to the Public Bill Committee, Assistant Commissioner Neil Basu, the National Lead for Counter Terrorism Policing, was clear that a new offence of banning travel to designated conflict zones would help to tackle the threat posed by foreign fighters.
- We are living in a period where the UK and our international partners also face sustained hostile activity from certain states. On 4 March 2018, Sergei and Yulia Skripal were poisoned in Salisbury using a military-grade nerve agent. The UK Government is certain that the two suspects charged for the Salisbury nerve agent attack are Russian Military Intelligence (GRU) officers. The attack was almost certainly approved outside the GRU at a senior level of the Russian state.
- In a statement to the House of Commons on 26 March 2018, the Prime Minister announced that the Government was developing legislative powers to harden the country's defences against hostile state activity. The National Security Capability Review made a commitment to "develop proposals for powers to stop, question, search and detain individuals at the UK border to determine whether they have been involved in matters that threaten our national security".

Are these measures just a response to the five attacks in 2017?

- Prior to the attacks last year the Government was reviewing its approach to counter-terrorism. As the threat we face from terrorism becomes more complex, our strategy needs to evolve with it. The Act contains considered measures which will ensure that the police and security services have the powers they need, and that the prison sentences for those found guilty of terror offences are sufficient to keep us all safe.

There is already a lot of terrorism legislation and a large number of disruptive powers – do we need more?

- It is important that as the terrorist threat and the nature of radicalisation evolves so must our response. Operational experience has shown that there are gaps in legislation which could usefully be addressed to ensure that we retain a robust framework of law which enables the police and prosecutors to respond effectively to current threats.



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How much will these measures cost?

- The Impact Assessment published when the Bill was introduced indicates that over a 10-year period, these changes would cost £49.8m. These measures could, however, result in averting a successful terrorist attack against a UK. Such an attack would have a huge impact in terms of lives lost, injuries suffered, damaged property and lost output. These changes are therefore expected to have a positive net benefit to society.

Will these measures apply across the United Kingdom?

- Counter-terrorism and national security are reserved matters. As such, the majority of the provisions in

the Act will apply UK-wide. The changes relating to ATTROs, referrals to Channel panels and terrorism reinsurance apply to England, Wales and Scotland only, in line with the existing legislation.

Key facts

- The independent Joint Terrorism Analysis Centre (JTAC) has set the current threat level at SEVERE or higher since 29 August 2014. This means an attack is highly likely.
- In the year to 30 September 2018, there were 317 arrests for terrorism and terrorism-related offences.
- Since May 2013, 26 Islamist plots have been disrupted.