

## **COUNTER-TERRORISM AND BORDER SECURITY BILL: KEELING SCHEDULES**

This document shows provisions in other enactments as they would be amended by the Bill. It is intended to assist the consideration of these provisions in the Bill and should not be taken a definitive statement of the law as it would have effect on the enactment of the Bill.

Deletions are shown ~~struck through~~ and additions in *italics*.

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**SECTION 22D OF THE ROAD TRAFFIC REGULATION ACT 1984 AS AMENDED BY CLAUSE 15(4)-(9) OF THE BILL**

**22D - Section 22C: supplemental**

(1) An order may be made, *and a notice may be issued*, by virtue of section 22C only on the recommendation of the chief officer of police for the area to which the order *or notice* relates.

(1A) *Any statutory requirement to publish a proposal for, or a notice of, the making of an order does not apply to an order made by virtue of section 22C if the chief officer of police for the area to which the order relates considers that to do so would risk undermining the purpose for which the order is made.*

(2) The following shall not apply in relation to an order made, *or a notice issued*, by virtue of section 22C—

- (a) section 3,
- (b) section 6(5),
- (c) the words in section 14(4) from “but” to the end,
- (d) section 121B, and
- (e) paragraph 13(1)(a) of Schedule 9.

(3) Sections 92 and 94 shall apply in relation to an order under section 14 made, *or a notice under that section issued*, by virtue of section 22C as they apply in relation to an order under section 1 or 6.

(4) An order made, *or a notice given*, by virtue of section 22C, or an authorisation or requirement by virtue of subsection (3) above, may authorise the undertaking of works for the purpose of, or for a purpose ancillary to, another provision of the order, *notice*, authorisation or requirement.

(5) An order made, *or a notice issued*, by virtue of section 22C may—

- (a) enable a constable to direct that a provision of the order *or notice* shall (to such extent as the constable may specify) be commenced, suspended or revived;
- (b) confer a discretion on a constable;
- (c) make provision conferring a power on a constable in relation to the placing of structures or signs (which may, in particular, apply a provision of this Act with or without modifications);
- (d) *enable a constable to authorise a person of a description specified in the order or notice to do anything that the constable could do by virtue of this subsection.*

**SECTION 67 OF THE ROAD TRAFFIC REGULATION ACT 1984 AS AMENDED BY CLAUSE 15(10) OF THE BILL**

**67— Emergencies and temporary obstructions**

(1) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a road, or on any structure on a road, traffic signs (of any size, colour and type prescribed or authorised under section 64 of this Act), indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of 7 days or less from the time when it was placed, but no longer.

(1A) In subsection (1)—

(a) “extraordinary circumstances” includes terrorism or the prospect of terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11), and

(b) the reference to 7 days shall, in the application of the subsection in connection with terrorism or the prospect of terrorism, be taken as a reference to 28 days;

but this subsection does not apply to a power under subsection (1) in so far as exercisable by a traffic officer by virtue of section 7 of the Traffic Management Act 2004 (c. 18).

*(1B) In the application of subsection (1) in connection with terrorism or the prospect of terrorism—*

*(a) the reference to vehicular traffic is to be read as a reference to any kind of traffic (including pedestrians), and*

*(b) the other references to traffic are to be read accordingly.*

(2) Section 36 of the Road Traffic Act 1988 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by subsection (1) above.

(3) Regulations under section 64 of this Act prescribing any type of object or device for warning traffic of a temporary obstruction may include provisions for authorising (subject to such conditions as may be specified in the regulations) persons not otherwise authorised to do so to place an object or device of that type on or near roads, or on or near any description of road so specified, in such circumstances and for such periods as may be so specified.

**SECTION 63F OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY PARAGRAPH 2 OF SCHEDULE 2 TO THE BILL**

**63F - Retention of section 63D material: persons arrested for or charged with a qualifying offence**

- (1) This section applies to section 63D material which—
- (a) relates to a person who is arrested for, or charged with, a qualifying offence but is not convicted of that offence, and
  - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence.
- (2) If the person has previously been convicted of a recordable offence which is not an excluded offence, or is so convicted before the material is required to be destroyed by virtue of this section, the material may be retained indefinitely.
- (2A) In subsection (2), references to a recordable offence include an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (and, in the application of subsection (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).
- (3) Otherwise, material falling within subsection (4), (5) or (5A) ~~or (5)~~ may be retained until the end of the retention period specified in subsection (6).
- (4) Material falls within this subsection if it—
- (a) relates to a person who is charged with a qualifying offence but is not convicted of that offence, and
  - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence.
- (5) Material falls within this subsection if—
- (a) it relates to a person who is arrested for a qualifying offence, *other than a terrorism-related qualifying offence*, but is not charged with that offence,
  - (b) it was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence, and
  - (c) the Commissioner for the Retention and Use of Biometric Material has consented under section 63G to the retention of the material.
- (5A) *Material falls within this subsection if—*
- (a) *it relates to a person who is arrested for a terrorism-related qualifying offence but is not charged with that offence, and*
  - (b) *it was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence.*
- (6) The retention period is—

- (a) in the case of fingerprints, the period of 3 years beginning with the date on which the fingerprints were taken, and
- (b) in the case of a DNA profile, the period of 3 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).

(7) The responsible chief officer of police or a specified chief officer of police may apply to a District Judge (Magistrates' Courts) for an order extending the retention period.

(8) An application for an order under subsection (7) must be made within the period of 3 months ending on the last day of the retention period.

(9) An order under subsection (7) may extend the retention period by a period which—

- (a) begins with the end of the retention period, and
- (b) ends with the end of the period of 2 years beginning with the end of the retention period.

(10) The following persons may appeal to the Crown Court against an order under subsection (7), or a refusal to make such an order—

- (a) the responsible chief officer of police;
- (b) a specified chief officer of police;
- (c) the person from whom the material was taken.

(11) In this section—

“excluded offence”, in relation to a person, means a recordable offence—

- (a) which—
  - (i) is not a qualifying offence,
  - (ii) is the only recordable offence of which the person has been convicted, and
  - (iii) was committed when the person was aged under 18, and
- (b) for which the person was not given a relevant custodial sentence of 5 years or more,

“relevant custodial sentence” has the meaning given by section 63K(6),

“a specified chief officer of police” means—

- (a) the chief officer of the police force of the area in which the person from whom the material was taken resides, or
- (b) a chief officer of police who believes that the person is in, or is intending to come to, the chief officer's police area.

“terrorism-related qualifying offence” means—

- (a) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008 (see section 65A(2)(r) below), or
- (b) an ancillary offence, as defined by section 65A(5), relating to an offence of a kind mentioned in paragraph (a) of this subsection.

(12) For the purposes of the definition of “excluded offence” in subsection (11)—

(a) references to a recordable offence or a qualifying offence include an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted), and

(b) in the application of paragraph (b) of that definition in relation to an offence under the law of a country or territory outside England and Wales, the reference to a relevant custodial sentence of 5 years or more is to be read as a reference to a sentence of imprisonment or other form of detention of 5 years or more.

**SECTION 63M OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY PARAGRAPH 3 OF SCHEDULE 2 TO THE BILL**

**63M - Retention of section 63D material for purposes of national security**

(1) Section 63D material may be retained for as long as a national security determination made by ~~the responsible~~ a chief officer of police has effect in relation to it.

(2) A national security determination is made if ~~the responsible~~ a chief officer of police determines that it is necessary for any section 63D material to be retained for the purposes of national security.

(3) A national security determination—

(a) must be made in writing,

(b) has effect for a maximum of ~~2 years~~ 5 years beginning with the date on which it is made, and

(c) may be renewed.

**ARTICLE 63D OF THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989 AS AMENDED BY PARAGRAPH 5(2) OF SCHEDULE 2 TO THE BILL**

**63D — Retention of Article 63B material: persons arrested for or charged with a qualifying offence**

- (1) This Article applies to Article 63B material which—
- ~~(a) relates to a person who is arrested for or charged with, a qualifying offence, but is not convicted of that offence, and~~
  - (a) relates to a person who—*
    - (i) is arrested for a qualifying offence other than a terrorism-related qualifying offence but is not charged with that offence, or*
    - (ii) is charged with any qualifying offence but is not convicted of that offence, and*
  - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence.
- (2) If the person has previously been convicted of a recordable offence which is not an excluded offence, or is so convicted before the material is required to be destroyed by virtue of this Article, the material may be retained indefinitely.
- (3) Otherwise, material falling within paragraph (4) or (5) may be retained until the end of the retention period specified in paragraph (6).
- (4) Material falls within this paragraph if it—
- (a) relates to a person who is charged with a qualifying offence but is not convicted of that offence, and
  - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence.
- (5) Material falls within this paragraph if—
- (a) it relates to a person who is arrested for a qualifying offence but is not charged with that offence,
  - (b) it was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence,
  - (c) any prescribed circumstances apply, and
  - (d) the Northern Ireland Commissioner for the Retention of Biometric Material has consented under paragraph (13) to the retention of the material.
- (6) The retention period is—
- (a) in the case of fingerprints, the period of 3 years beginning with the date on which the fingerprints were taken,
  - (b) in the case of a DNA profile, the period of 3 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).



(7) The Chief Constable may apply to a District Judge (Magistrates' Courts) for an order extending the retention period.

(8) An application for an order under paragraph (7) must be made within the period of 3 months ending on the last day of the retention period.

(9) An order under paragraph (7) may extend the retention period by a period which—

- (a) begins with the end of the retention period; and
- (b) ends with the end of the period of 2 years beginning with the end of the retention period.

(10) The following persons may appeal to the county court against an order under paragraph (7), or a refusal to make such an order—

- (a) the Chief Constable;
- (b) the person from whom the material was taken.

(11) The Department of Justice must appoint a Commissioner to be known as the Northern Ireland Commissioner for the Retention of Biometric Material.

(12) The Commissioner is to hold office in accordance with the terms of the Commissioner's appointment; and the Department of Justice may—

- (a) pay in respect of the Commissioner any expenses, remuneration or allowances that the Department may determine; and
- (b) after consultation with the Commissioner, provide the Commissioner with such staff, accommodation, equipment and other facilities as the Department considers necessary for the carrying out of the Commissioner's functions.

(13) The Commissioner may, on an application made by the Chief Constable, consent to the retention of material which falls within paragraph (5)(a), (b) and (c) if the Commissioner considers that it is appropriate to retain the material; and an order under paragraph (5)(c) may, in particular, make provision about the procedure to be followed in relation to any application to the Commissioner under this paragraph.

(14) In this Article—

“custodial sentence” has the same meaning as in Chapter 2 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008;

“excluded offence”, in relation to a person, means a recordable offence—

- (a) which—
  - (i) is not a qualifying offence,
  - (ii) is the only recordable offence of which the person has been convicted, and
  - (iii) was committed when the person was aged under 18, and
- (b) for which the person was not given a custodial sentence of 5 years or more;

“prescribed” means prescribed by order made by the Department of Justice;

“terrorism-related qualifying offence” means—

- (a) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008 (see Article 53A(2)(r)), or*
- (b) an ancillary offence, as defined by Article 53A(4), relating to an offence for the time being listed in section 41(1) of that Act.*

**SECTION 2 OF THE REINSURANCE (ACTS OF TERRORISM) ACT 1993  
AS AMENDED BY CLAUSE 20 OF THE BILL**

**2 — Reinsurance arrangements to which this Act applies.**

(1) This Act applies to arrangements under which the Treasury undertake to any extent the liability of reinsuring risks against—

(a) loss of or damage to property in Great Britain resulting from or consequential upon acts of terrorism; ~~and~~

(b) any loss which is consequential on loss or damage falling within paragraph (a) above; *and*

(c) *any loss which falls within subsection (1A);*

and to the extent that the arrangements relate to events occurring before as well as after an agreement of reinsurance comes into being, the reference in section 1(1) above to the obligations of the Treasury shall be construed accordingly.

*(1A) Loss falls within this subsection if—*

*(a) it results from interruption to business carried on in Great Britain, and*

*(b) the interruption results from or is consequential upon acts of terrorism.*

(2) In this section “acts of terrorism” means acts of persons acting on behalf of, or in connection with, any organisation which carries out activities directed towards the overthrowing or influencing, by force or violence, of Her Majesty's government in the United Kingdom or any other government de jure or de facto.

(3) In subsection (2) above “organisation” includes any association or combination of persons.

**SECTION 18G OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995  
AS AMENDED BY PARAGRAPH 7 OF SCHEDULE 2 AND PARAGRAPH  
22(2) OF SCHEDULE 4 TO THE BILL**

**18G - Retention of samples etc: national security**

(1) This section applies to—

(a) relevant physical data taken from or provided by a person under section 18(2) (including any taken or provided by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000 *or by virtue of paragraph 35 of Schedule 3 to the Counter-Terrorism and Border Security Act 2018*),

(b) any sample, or any information derived from a sample, taken from a person under section 18(6) or (6A) (including any taken by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000 *or by virtue of paragraph 35 of Schedule 3 to the Counter-Terrorism and Border Security Act 2018*),

(c) any relevant physical data, sample or information derived from a sample taken from, or provided by, a person under section 19AA(3),

(d) any relevant physical data, sample or information derived from a sample which is held by virtue of section 56 of the Criminal Justice (Scotland) Act 2003, and

(e) any relevant physical data, sample or information derived from a sample taken from a person—

(i) by virtue of any power of search,

(ii) by virtue of any power to take possession of evidence where there is immediate danger of its being lost or destroyed, or

(iii) under the authority of a warrant.

(2) The relevant physical data, sample or information derived from a sample may be retained for so long as a national security determination made by ~~the relevant chief constable~~ *the chief constable of the Police Service of Scotland* has effect in relation to it.

(3) A national security determination is made if ~~the relevant chief constable~~ *the chief constable of the Police Service of Scotland* determines that it is necessary for the relevant physical data, sample or information derived from a sample to be retained for the purposes of national security.

(4) A national security determination—

(a) must be made in writing,

(b) has effect for a maximum of ~~2 years~~ *5 years* beginning with the date on which the determination is made, and

(c) may be renewed.

(5) Any relevant physical data, sample or information derived from a sample which is retained in pursuance of a national security determination must be destroyed as soon as possible after the determination ceases to have effect (except where its retention is permitted by any other enactment).

(6) In this section, ~~“the relevant chief constable” means the chief constable of the police force of which the constable who took the relevant physical data, or to whom it was provided, or who took or directed the taking of the sample, was a member.~~

**SECTION 210A OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995  
AS AMENDED BY CLAUSE 10 TO THE BILL**

**210A — Extended sentences for ~~sex and violent offenders~~ *sex, violent and terrorist offenders*.**

(1) Where a person is convicted on indictment of a sexual, *violent or terrorism* ~~or violent~~ offence, the court may, if it—

(a) intends, in relation to—

(i) a sexual offence, to pass a determinate sentence of imprisonment; or

(ii) a *violent or terrorism* offence, to pass such a sentence for a term of four years or more; and

(b) considers that the period (if any) for which the offender would, apart from this section, be subject to a licence would not be adequate for the purpose of protecting the public from serious harm from the offender, pass an extended sentence on the offender.

(2) An extended sentence is a sentence of imprisonment which is the aggregate of—

(a) the term of imprisonment (“the custodial term”) which the court would have passed on the offender otherwise than by virtue of this section; and

(b) a further period (“the extension period”) for which the offender is to be subject to a licence and which is, subject to the provisions of this section, of such length as the court considers necessary for the purpose mentioned in subsection (1)(b) above.

(3) The extension period shall not exceed, in the case of—

(a) a sexual offence, ten years; ~~and~~

(b) a violent offence, ten years, *and*

(c) a *terrorism offence*, ten years.

(4) A court shall, before passing an extended sentence, consider a report by a relevant officer of a local authority about the offender and his circumstances and, if the court thinks it necessary, hear that officer.

(5) The term of an extended sentence passed for a statutory offence shall not exceed the maximum term of imprisonment provided for in the statute in respect of that offence.

(6) Subject to subsection (5) above, a sheriff may pass an extended sentence which is the aggregate of a custodial term not exceeding the maximum term of imprisonment which he may impose and an extension period not exceeding five years.

(7) The Secretary of State may by order—

(a) amend paragraph (b) of subsection (3) above by substituting a different period, not exceeding ten years, for the period for the time being specified in that paragraph; and

(b) make such transitional provision as appears to him to be necessary or expedient in connection with the amendment.

(8) The power to make an order under subsection (7) above shall be exercisable by statutory instrument; but no such order shall be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(9) An extended sentence shall not be imposed where the sexual or violent offence was committed before the commencement of section 86 of the Crime and Disorder Act 1998.

(10) For the purposes of this section—

“licence” and “relevant officer” have the same meaning as in Part I of the Prisoners and Criminal Proceedings (Scotland) Act 1993;

“sexual offence” means— **[list of sexual offences not reproduced here]**

“imprisonment” includes—

- (i) detention under section 207 of this Act; and
- (ii) detention under section 208 of this Act; ~~and~~

“terrorism offence” means

(a) an offence under the following provisions of the Terrorism Act 2000—

- (i) section 11 (membership of a proscribed organisation),
- (ii) section 12 (inviting support for a proscribed organisation),
- (iii) section 54 (weapons training),
- (iv) section 56 (directing a terrorist organisation),
- (v) section 57 (possession of article for terrorist purposes),
- (vi) section 58 (collection of information likely to be of use to a terrorist),
- (vii) section 58A (publishing information about members of the armed forces etc),
- (viii) section 58B (entering or remaining in a designated area),
- or
- (ix) section 59 (inciting terrorism overseas),

(b) an offence under the following provisions of the Anti-terrorism, Crime and Security Act 2001—

- (i) section 47 (use etc of nuclear weapons),
- (ii) section 50 (assisting or inducing certain weapons-related acts overseas), or
- (iii) section 113 (use of noxious substance or thing to cause harm or intimidate),

(c) an offence under the following provisions of the Terrorism Act 2006—

- (i) section 1 (encouragement of terrorism),
- (ii) section 2 (dissemination of terrorist publications),
- (iii) section 5 (preparation of terrorist acts),
- (iv) section 6 (training for terrorism),
- (v) section 8 (attendance at a place used for terrorist training),
- (vi) section 9 (making or possession of radioactive device or material),

*(vii) section 10 (misuse of radioactive device or material for terrorist purposes etc), or*

*(viii) section 11 (terrorist threats relating to radioactive devices etc),*

*(d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in paragraphs (a) to (c),*

*(e) an offence of attempting to commit such an offence,*

*(f) an offence of conspiring to commit such an offence; and*

“violent offence” means any offence (other than an offence which is a sexual offence within the meaning of this section) inferring personal violence.

(11) In subsection (10)—

(a) any reference to a “sexual offence” includes—

(i) a reference to any attempt, conspiracy or incitement to commit that offence; and

(ii) except in the case of an offence under paragraphs (i) to (viii) of the definition of “sexual offence” in that subsection, a reference to aiding and abetting, counselling or procuring the commission of that offence;

(b) the references to “rape” in paragraphs (iii) and (iv) of the definition of “sexual offence” are to the offence of rape at common law; and

(c) the references to “the statutory offence of rape” in paragraphs (iiia) and (iva) of that definition are (as the case may be) to—

(i) the offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009, or

(ii) the offence of rape of a young child under section 18 of that Act.

(12) An extended sentence may be passed by reference to paragraph (xxviii) only if the offender is or is to become, by virtue of Schedule 3 to the Sexual Offences Act 2003 (c.42), subject to the notification requirements of Part 2 of that Act.



## SECTION 12 OF THE TERRORISM ACT 2000 AS AMENDED BY CLAUSE 1 OF THE BILL

### 12 — Support.

(1) A person commits an offence if—  
(a) he invites support for a proscribed organisation, and  
(b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15).

*(1A) A person commits an offence if the person—  
(a) expresses an opinion or belief that is supportive of a proscribed organisation, and  
(b) in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation.*

(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is—  
(a) to support a proscribed organisation,  
(b) to further the activities of a proscribed organisation, or  
(c) to be addressed by a person who belongs or professes to belong to a proscribed organisation.

(3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organisation or to further its activities.

(4) Where a person is charged with an offence under subsection (2)(c) in respect of a private meeting it is a defence for him to prove that he had no reasonable cause to believe that the address mentioned in subsection (2)(c) would support a proscribed organisation or further its activities.

(5) In subsections (2) to (4)—  
(a) “meeting” means a meeting of three or more persons, whether or not the public are admitted, and  
(b) a meeting is private if the public are not admitted.

(6) A person guilty of an offence under this section shall be liable—  
(a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or  
(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

**SECTION 13 OF THE TERRORISM ACT 2000 AS AMENDED BY CLAUSE 2 OF AND PARAGRAPH 36 OF SCHEDULE 4 TO THE BILL**

**13 — Uniform *and* publication of images**

(1) A person in a public place commits an offence if he—  
(a) wears an item of clothing, or  
(b) wears, carries or displays an article,  
in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation.

*(1A) A person commits an offence if the person publishes an image of—  
(a) an item of clothing, or  
(b) any other article,  
in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation.*

*(1B) In subsection (1A) the reference to an image is a reference to a still or moving image (produced by any means).*

~~(2) A constable in Scotland may arrest a person without a warrant if he has reasonable grounds to suspect that the person is guilty of an offence under this section.~~

(3) A person guilty of an offence under this section shall be liable on summary conviction to—  
(a) imprisonment for a term not exceeding six months,  
(b) a fine not exceeding level 5 on the standard scale, or  
(c) both.

*(4) A constable may seize an item of clothing or any other article if the constable—  
(a) reasonably suspects that it is evidence in relation to an offence under subsection (1), and  
(b) is satisfied that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.*

*(5) In connection with exercising the power in subsection (4), a constable may require a person to remove the item of clothing or other article if the person is wearing it.*

*(6) But the powers conferred by subsections (4) and (5) may not be exercised so as to seize, or require a person to remove, an item of clothing being worn next to the skin or immediately over a garment being worn as underwear.*

**SECTION 41 OF THE TERRORISM ACT 2000 AS AMENDED BY CLAUSE 17(2) OF, AND PARAGRAPH 23(2) OF SCHEDULE 4 TO, THE BILL**

**41 — Arrest without warrant.**

(1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.

(2) Where a person is arrested under this section the provisions of Schedule 8 (detention: treatment, review and extension) shall apply.

(3) Subject to subsections (4) to (7), a person detained under this section shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning—

(a) with the time of his arrest under this section, or

(b) if he was being detained under Schedule 7, or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2018, when he was arrested under this section, with the time when his examination under that Schedule began.

(4) If on a review of a person's detention under Part II of Schedule 8 the review officer does not authorise continued detention, the person shall (unless detained in accordance with subsection (5) or (6) or under any other power) be released.

(5) Where a police officer intends to make an application for a warrant under paragraph 29 of Schedule 8 extending a person's detention, the person may be detained pending the making of the application.

(6) Where an application has been made under paragraph 29 or 36 of Schedule 8 in respect of a person's detention, he may be detained pending the conclusion of proceedings on the application.

(7) Where an application under paragraph 29 or 36 of Schedule 8 is granted in respect of a person's detention, he may be detained, subject to paragraph 37 of that Schedule, during the period specified in the warrant.

(8) The refusal of an application in respect of a person's detention under paragraph 29 or 36 of Schedule 8 shall not prevent his continued detention in accordance with this section.

*(8A) If a person detained under this section, including by virtue of a warrant under Part 3 of Schedule 8, is removed to hospital because the person needs medical treatment—*

*(a) any time during which the person is being questioned in hospital or on the way there or back for the purpose of obtaining relevant evidence is to be included in calculating any period which falls to be calculated for the purposes of this section or Part 3 of Schedule 8, but*

*(b) any other time when the person is in hospital or on the way there or back is not to be included.*

*(8B) In subsection (8A), “relevant evidence” means, in relation to the detained person, evidence which—*

*(a) relates to the person’s commission of an offence under any of the provisions mentioned in section 40(1)(a), or*

*(b) indicates that the person is a person falling within section 40(1)(b).*

(9) A person who has the powers of a constable in one Part of the United Kingdom may exercise the power under subsection (1) in any Part of the United Kingdom.

**SECTION 58 OF THE TERRORISM ACT 2000 AS AMENDED BY  
CLAUSES 3 AND 7(3) OF THE BILL**

**58 - Collection of information**

- (1) A person commits an offence if—
- (a) he collects or makes a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) he possesses a document or record containing information of that kind, or
  - (c) *the person views, or otherwise accesses, by means of the internet a document or record containing information of that kind.*

*(1A) The cases in which a person collects or makes a record for the purposes of subsection (1)(a) include those where the person does so by means of the internet (whether by downloading the record or otherwise).*

(2) In this section “record” includes a photographic or electronic record.

(3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.

*(3A) The cases in which a person has a reasonable excuse for the purposes of subsection (3) include (but are not limited to) those in which at the time of the person’s action or possession, the person did not know, and had no reason to believe, that the document or record in question contained, or was likely to contain, information of a kind likely to be useful to a person committing or preparing an act of terrorism.*

- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ~~40 years~~ 15 years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

**SECTION 58A OF THE TERRORISM ACT 2000 AS AMENDED BY  
CLAUSE 7(4) OF THE BILL**

**58A - Eliciting, publishing or communicating information about  
members of armed forces etc**

- (1) A person commits an offence who—
- (a) elicits or attempts to elicit information about an individual who is or has been—
    - (i) a member of Her Majesty's forces,
    - (ii) a member of any of the intelligence services, or
    - (iii) a constable,which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) publishes or communicates any such information.
- (2) It is a defence for a person charged with an offence under this section to prove that they had a reasonable excuse for their action.
- (3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ~~10 years~~ 15 years or to a fine, or to both;
  - (b) on summary conviction—
    - (i) in England and Wales or Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
    - (ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (4) In this section “the intelligence services” means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994 (c.13)).
- (5) Schedule 8A to this Act contains supplementary provisions relating to the offence under this section.

**SECTION 224 OF THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY  
CLAUSE 9(2) OF THE BILL**

**224 - Meaning of “specified offence” etc.**

(1) An offence is a “specified offence” for the purposes of this Chapter if it is a specified violent offence ~~or a specified sexual offence~~, *a specified sexual offence or a specified terrorism offence.*

(2) An offence is a “serious offence” for the purposes of this Chapter if and only if—

(a) it is a specified offence, and

(b) it is, apart from section 224A, punishable in the case of a person aged 18 or over by—

(i) imprisonment for life or, in the case of a person aged at least 18 but under 21, custody for life, or

(ii) imprisonment or, in the case of a person aged at least 18 but under 21, detention in a young offender institution, for a determinate period of ten years or more.

(3) In this Chapter—

“serious harm” means death or serious personal injury, whether physical or psychological;

“specified violent offence” means an offence specified in Part 1 of Schedule 15;

“specified sexual offence” means an offence specified in Part 2 of that Schedule;

“*specified terrorism offence*” means an offence specified in Part 3 of that Schedule.

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**SECTION 226A OF THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY  
CLAUSE 9(3) OF THE BILL**

**226A Extended sentence for certain violent ~~or sexual~~, *sexual or terrorism* offences: persons 18 or over**

- (1) This section applies where—
- (a) a person aged 18 or over is convicted of a specified offence (whether the offence was committed before or after this section comes into force),
  - (b) the court considers that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences,
  - (c) the court is not required by section 224A or 225(2) to impose a sentence of imprisonment for life, and
  - (d) condition A or B is met.
- (2) Condition A is that, at the time the offence was committed, the offender had been convicted of an offence listed in Schedule 15B.
- (3) Condition B is that, if the court were to impose an extended sentence of imprisonment, the term that it would specify as the appropriate custodial term would be at least 4 years.
- (4) The court may impose an extended sentence of imprisonment on the offender.
- (5) An extended sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
  - (b) a further period (the “extension period”) for which the offender is to be subject to a licence.
- (6) The appropriate custodial term is the term of imprisonment that would (apart from this section) be imposed in compliance with section 153(2).
- (7) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences, subject to subsections (7A) to (9).
- (7A) The extension period must be at least 1 year.
- (8) The extension period must not exceed—
- (a) 5 years in the case of a specified violent offence, and
  - (b) 8 years in the case of a specified sexual offence *or a specified terrorism offence*.



(9) The term of an extended sentence of imprisonment imposed under this section in respect of an offence must not exceed the term that, at the time the offence was committed, was the maximum term permitted for the offence.

(10) In subsections (1)(a) and (8), references to a specified offence, a specified violent offence and a specified sexual offence include an offence that—

- (a) was abolished before 4 April 2005, and
- (b) would have constituted such an offence if committed on the day on which the offender was convicted of the offence.

(11) Where the offence mentioned in subsection (1)(a) was committed before 4 April 2005—

- (a) subsection (1)(c) has effect as if the words “by section 224A or 225(2)” were omitted, and
- (b) subsection (6) has effect as if the words “in compliance with section 153(2)” were omitted.

(12) In the case of a person aged at least 18 but under 21, this section has effect as if—

- (a) the reference in subsection (1)(c) to imprisonment for life were to custody for life, and
- (b) other references to imprisonment (including in the expression “extended sentence of imprisonment”) were to detention in a young offender institution.

**SECTION 226B OF THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY  
CLAUSE 9(4) OF THE BILL**

**226B - Extended sentence for certain violent ~~or sexual~~, sexual or  
terrorism offences: persons under 18**

- (1) This section applies where—
- (a) a person aged under 18 is convicted of a specified offence (whether the offence was committed before or after this section comes into force),
  - (b) the court considers that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences,
  - (c) the court is not required by section 226(2) to impose a sentence of detention for life under section 91 of the Sentencing Act, and
  - (d) if the court were to impose an extended sentence of detention, the term that it would specify as the appropriate custodial term would be at least 4 years.
- (2) The court may impose an extended sentence of detention on the offender.
- (3) An extended sentence of detention is a sentence of detention the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
  - (b) a further period (the “extension period”) for which the offender is to be subject to a licence.
- (4) The appropriate custodial term is the term of detention that would (apart from this section) be imposed in compliance with section 153(2).
- (5) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences, subject to subsections (5A) to (7).
- (5A) The extension period must be at least 1 year.
- (6) The extension period must not exceed—
- (a) 5 years in the case of a specified violent offence, and
  - (b) 8 years in the case of a specified sexual offence *or a specified terrorism offence*.
- (7) The term of an extended sentence of detention imposed under this section in respect of an offence may not exceed the term that, at the time the offence was committed, was the maximum term of imprisonment permitted for the offence in the case of a person aged 21 or over.
- (8) In subsections (1)(a) and (6), references to a specified offence, a specified violent offence and a specified sexual offence include an offence that—
- (a) was abolished before 4 April 2005, and

(b) would have constituted such an offence if committed on the day on which the offender was convicted of the offence.

(9) Where the offence mentioned in subsection (1)(a) was committed before 4 April 2005—

(a) subsection (1) has effect as if paragraph (c) were omitted, and

(b) subsection (4) has effect as if the words “in compliance with section 153(2)” were omitted.

## SECTION 1 OF THE TERRORISM ACT 2006 AS AMENDED BY CLAUSES 5(3) AND (4), AND 7(6) OF THE BILL

### 1 - Encouragement of terrorism

(1) This section applies to a statement that is likely to be understood by ~~some or all of the members of the public to whom it is published~~ *a reasonable person* as a direct or indirect encouragement or other inducement ~~to them, to one or more of the persons to whom it is made or published,~~ to the commission, preparation or instigation of acts of terrorism or Convention offences.

(2) A person commits an offence if—

(a) he publishes a statement to which this section applies or causes another to publish such a statement; and

(b) at the time he publishes it or causes it to be published, he—

(i) intends members of the public to be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism or Convention offences; or

(ii) is reckless as to whether members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate such acts or offences.

(3) For the purposes of this section, the statements that are likely to be understood by ~~members of the public~~ *a reasonable person* as indirectly encouraging the commission or preparation of acts of terrorism or Convention offences include every statement which—

(a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences; and

(b) is a statement from which ~~these~~ members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.

(4) For the purposes of this section the questions how a statement is likely to be understood and what members of the public could reasonably be expected to infer from it must be determined having regard both—

(a) to the contents of the statement as a whole; and

(b) to the circumstances and manner of its publication.

(5) It is irrelevant for the purposes of subsections (1) to (3)—

(a) whether anything mentioned in those subsections relates to the commission, preparation or instigation of one or more particular acts of terrorism or Convention offences, of acts of terrorism or Convention offences of a particular description or of acts of terrorism or Convention offences generally; and,

(b) whether any person is in fact encouraged or induced by the statement to commit, prepare or instigate any such act or offence.

(6) In proceedings for an offence under this section against a person in whose case it is not proved that he intended the statement directly or indirectly to encourage or otherwise induce the commission, preparation or instigation of acts of terrorism or Convention offences, it is a defence for him to show—

(a) that the statement neither expressed his views nor had his endorsement (whether by virtue of section 3 or otherwise); and

(b) that it was clear, in all the circumstances of the statement's publication, that it did not express his views and (apart from the possibility of his having been given and failed to comply with a notice under subsection (3) of that section) did not have his endorsement.

(7) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding ~~7 years~~ 15 years or to a fine, or to both;

(b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

(c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.

(8) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (7)(b) to 12 months is to be read as a reference to 6 months.

## SECTION 2 OF THE TERRORISM ACT 2006 AS AMENDED BY CLAUSES 5(6) AND (7), AND 7(7) OF THE BILL

### 2 - Dissemination of terrorist publications

(1) A person commits an offence if he engages in conduct falling within subsection (2) and, at the time he does so—

- (a) he intends an effect of his conduct to be a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism;
- (b) he intends an effect of his conduct to be the provision of assistance in the commission or preparation of such acts; or
- (c) he is reckless as to whether his conduct has an effect mentioned in paragraph (a) or (b).

(2) For the purposes of this section a person engages in conduct falling within this subsection if he—

- (a) distributes or circulates a terrorist publication;
- (b) gives, sells or lends such a publication;
- (c) offers such a publication for sale or loan;
- (d) provides a service to others that enables them to obtain, read, listen to or look at such a publication, or to acquire it by means of a gift, sale or loan;
- (e) transmits the contents of such a publication electronically; or
- (f) has such a publication in his possession with a view to its becoming the subject of conduct falling within any of paragraphs (a) to (e).

(3) For the purposes of this section a publication is a terrorist publication, in relation to conduct falling within subsection (2), if matter contained in it is likely—

- (a) ~~to be understood, by some or all of the persons to whom it is or may become available as a consequence of that conduct, as a direct or indirect encouragement or other inducement to them~~ *by a reasonable person as a direct or indirect encouragement or other inducement, to some or all of the persons to whom it is or may become available as a result of that conduct,* to the commission, preparation or instigation of acts of terrorism; or
- (b) to be useful in the commission or preparation of such acts and to be understood, by some or all of those persons, as contained in the publication, or made available to them, wholly or mainly for the purpose of being so useful to them.

(4) For the purposes of this section matter that is likely to be understood by a *reasonable* person as indirectly encouraging the commission or preparation of acts of terrorism includes any matter which—

- (a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts; and
- (b) is matter from which ~~that person~~ *a person* could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by him in existing circumstances.

(5) For the purposes of this section the question whether a publication is a terrorist publication in relation to particular conduct must be determined—  
(a) as at the time of that conduct; and  
(b) having regard both to the contents of the publication as a whole and to the circumstances in which that conduct occurs.

(6) In subsection (1) references to the effect of a person's conduct in relation to a terrorist publication include references to an effect of the publication on one or more persons to whom it is or may become available as a consequence of that conduct.

(7) It is irrelevant for the purposes of this section whether anything mentioned in subsections (1) to (4) is in relation to the commission, preparation or instigation of one or more particular acts of terrorism, of acts of terrorism of a particular description or of acts of terrorism generally.

(8) For the purposes of this section it is also irrelevant, in relation to matter contained in any article whether any person—  
(a) is in fact encouraged or induced by that matter to commit, prepare or instigate acts of terrorism; or  
(b) in fact makes use of it in the commission or preparation of such acts.

(9) In proceedings for an offence under this section against a person in respect of conduct to which subsection (10) applies, it is a defence for him to show—  
(a) that the matter by reference to which the publication in question was a terrorist publication neither expressed his views nor had his endorsement (whether by virtue of section 3 or otherwise); and  
(b) that it was clear, in all the circumstances of the conduct, that that matter did not express his views and (apart from the possibility of his having been given and failed to comply with a notice under subsection (3) of that section) did not have his endorsement.

(10) This subsection applies to the conduct of a person to the extent that—  
(a) the publication to which his conduct related contained matter by reference to which it was a terrorist publication by virtue of subsection (3)(a); and  
(b) that person is not proved to have engaged in that conduct with the intention specified in subsection (1)(a).

(11) A person guilty of an offence under this section shall be liable—  
(a) on conviction on indictment, to imprisonment for a term not exceeding ~~7 years~~ 15 years or to a fine, or to both;  
(b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;  
(c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.

(12) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (11)(b) to 12 months is to be read as a reference to 6 months.

(13) In this section—

“lend” includes let on hire, and “loan” is to be construed accordingly;

“publication” means an article or record of any description that contains any of the following, or any combination of them—

- (a) matter to be read;
- (b) matter to be listened to;
- (c) matter to be looked at or watched.



## SECTION 17 OF THE TERRORISM ACT 2006 AS AMENDED BY CLAUSE 6 OF THE BILL

### 17 - Commission of offences abroad

(1) If—

- (a) a person does anything outside the United Kingdom, and
- (b) his action, if done in a part of the United Kingdom, would constitute an offence falling within subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) The offences falling within this subsection are—

- (a) an offence under section 1 or 2 of this Act ~~so far as it is committed in relation to any statement in relation to which that section has effect by reason of its relevance to the commission, preparation or instigation of one or more Convention offences;~~
- (b) an offence under section 5 or 6 or any of sections 8 to 11 of this Act;
- (c) an offence under section 11(1) of the Terrorism Act 2000 (c. 11) (membership of proscribed organisations);
  - (ca) *an offence under section 13 of that Act (uniform etc associated with proscribed organisation);*
- (d) an offence under section 54 of that Act (weapons training);
  - (da) *an offence under section 4 of the Explosive Substances Act 1883 (making or possessing explosives under suspicious circumstances) so far as committed for the purposes of an act of terrorism;*
- (e) conspiracy to commit an offence falling within this subsection;
- (f) inciting a person to commit such an offence;
- (g) attempting to commit such an offence;
- (h) aiding, abetting, counselling or procuring the commission of such an offence.

(3) Subsection (1) applies irrespective of whether the person is a British citizen or, in the case of a company, a company incorporated in a part of the United Kingdom.

(4) In the case of an offence falling within subsection (2) which is committed wholly or partly outside the United Kingdom—

- (a) proceedings for the offence may be taken at any place in the United Kingdom; and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.

(5) In section 3(1)(a) and (b) of the Explosive Substances Act 1883 (c. 3) (offences committed in preparation for use of explosives with intent to endanger life or property in the United Kingdom or the Republic of Ireland), in each place, for “the Republic of Ireland” substitute “elsewhere”.

(6) Subsection (5) does not extend to Scotland except in relation to—

- (a) the doing of an act as an act of terrorism or for the purposes of terrorism; or

(b) the possession or control of a substance for the purposes of terrorism.

**SECTION 18B OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY PARAGRAPH 13 OF SCHEDULE 2 TO THE BILL**

**18B - Retention for purposes of national security**

(1) Section 18 material which is not a DNA sample may be retained for as long as a national security determination made by the responsible officer, *or by a chief officer of police*, has effect in relation to it.

(2) A national security determination is made if the responsible officer, *or by a chief officer of police*, determines that it is necessary for any such section 18 material to be retained for the purposes of national security.

(3) A national security determination—

- (a) must be made in writing,
- (b) has effect for a maximum of ~~2 years~~ 5 years beginning with the date on which the determination is made, and
- (c) may be renewed.

(4) *In this section “chief officer of police” means a person other than the responsible officer who is—*

- (a) the chief officer of a police force in England and Wales, or*
- (b) the Chief Constable of the Police Service of Northern Ireland.*

**SECTION 30 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY CLAUSE 8(2) OF THE BILL**

**30 - Sentences for offences with a terrorist connection: England and  
Wales and Northern Ireland**

(1) This section applies where a court in England and Wales, *or in Northern Ireland*, is considering for the purposes of sentence the seriousness of an offence specified in Schedule 2 (offences where terrorist connection to be considered).

(2) If having regard to the material before it for the purposes of sentencing it appears to the court that the offence has or may have a terrorist connection, the court must determine whether that is the case.

(3) For that purpose the court may hear evidence, and must take account of any representations made by the prosecution and the defence, as in the case of any other matter relevant for the purposes of sentence.

(4) If the court determines that the offence has a terrorist connection, the court—

- (a) must treat that fact as an aggravating factor, and
- (b) must state in open court that the offence was so aggravated.

(5) In this section “sentence”, in relation to an offence, includes any order made by a court when dealing with a person in respect of the offence.

(6) This section has effect in relation only to offences committed on or after the day it comes into force.

**SECTION 42 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY CLAUSE 8(3) OF THE BILL**

**42 - Offences to which this Part applies: offences having a terrorist connection**

(1) This Part applies to—

- (a) an offence as to which a court has determined under section 30 (sentences for offences with a terrorist connection: England and Wales *and Northern Ireland*) that the offence has a terrorist connection, and
- (b) an offence in relation to which section 31 applies (sentences for offences with terrorist connection: Scotland).

(2) A person to whom the notification requirements apply by virtue of such a determination as is mentioned in subsection (1)(a) may appeal against it to the same court, and subject to the same conditions, as an appeal against sentence.

(3) If the determination is set aside on appeal, the notification requirements are treated as never having applied to that person in respect of the offence.

(4) Where an order is made under section 33 removing an offence from the list in Schedule 2, a person subject to the notification requirements by reason of that offence being so listed (and who is not otherwise subject to those requirements) ceases to be subject to them when the order comes into force.

**SECTION 47 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY CLAUSE 12(2) OF THE BILL**

**47 - Initial notification**

(1) A person to whom the notification requirements apply must notify the following information to the police within the period of three days beginning with the day on which the person is dealt with in respect of the offence in question.

(2) The information required is—

- (a) date of birth;
- (b) national insurance number;
- (c) name on the date on which the person was dealt with in respect of the offence (where the person used one or more other names on that date, each of those names);
- (d) home address on that date;
- (da) all contact details on that date;*
- (e) name on the date on which notification is made (where the person uses one or more other names on that date, each of those names);
- (f) home address on the date on which notification is made;
- (fa) all contact details on the date on which notification is made;*
- (g) address of any other premises in the United Kingdom at which, at the time the notification is made, the person regularly resides or stays;
- (ga) identifying information of any motor vehicle of which the person is the registered keeper, or which the person has a right to use (whether routinely or on specific occasions or for specific purposes), on the date on which notification is made;*
- (gb) the financial information specified in paragraph 1 of Schedule 3A;*
- (gc) the information about identification documents specified in paragraph 2 of Schedule 3A;*
- (h) any prescribed information.

(3) In subsection (2) “prescribed” means prescribed by regulations made by the Secretary of State. Such regulations are subject to affirmative resolution procedure.

(4) In determining the period within which notification is to be made under this section, there shall be disregarded any time when the person is—

- (a) remanded in or committed to custody by an order of a court,
- (b) serving a sentence of imprisonment or detention,
- (c) detained in a hospital, or
- (d) detained under the Immigration Acts.

(5) This section does not apply to a person who—

- (a) is subject to the notification requirements in respect of another offence (and does not cease to be so subject before the end of the period within which notification is to be made), and
- (b) has complied with this section in respect of that offence.

(6) In the application of this section to a person dealt with for an offence before the commencement of this Part who, immediately before commencement—

(a) would be imprisoned or detained in respect of the offence but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or

(b) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence,

the reference in subsection (1) to the day on which the person is dealt with in respect of the offence shall be read as a reference to the commencement of this Part.

**SECTION 48 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY CLAUSE 12(3) OF THE BILL**

**48- Notification of changes: *general***

(1) A person to whom the notification requirements apply who uses a name that has not previously been notified to the police must notify the police of that name.

(2) If there is a change of the home address of a person to whom the notification requirements apply, the person must notify the police of the new home address.

(3) A person to whom the notification requirements apply who resides or stays at premises in the United Kingdom the address of which has previously not been notified to the police—

(a) for a period of 7 days, or

(b) for two or more periods, in any period of 12 months, that taken together amount to 7 days,

must notify the police of the address of those premises.

(4) A person to whom the notification requirements apply who is released—

(a) from custody pursuant to an order of a court,

(b) from imprisonment or detention pursuant to a sentence of a court,

(c) from detention in a hospital, or

(d) from detention under the Immigration Acts,

must notify the police of that fact.

This does not apply if the person is at the same time required to notify the police under section 47 (initial notification).

*(4A) If there is a change in the contact details of a person to whom the notification requirements apply, the person must notify the police of the new contact details.*

*(4B) If a person to whom the notification requirements apply ceases to use contact details which the person has previously notified under this Part, the person must notify the police of that fact.*

*(4C) If a person to whom the notification requirements apply becomes the registered keeper of, or acquires a right to use, a motor vehicle the identifying information of which has previously not been notified to the police, the person must notify the police of the identifying information of that motor vehicle.*

*(4D) If there is a change in the identifying information of a motor vehicle previously notified under this Part, the person must notify the police—*

*(a) that there has been a change, and*

*(b) of the new identifying information of the motor vehicle.*

*(4E) If a person to whom the notification requirements apply ceases to be the registered owner of a motor vehicle the identifying information of which the*



*person has notified, or ceases to have the right to use such a motor vehicle, the person must notify the police that the person is no longer the registered owner of the motor vehicle or no longer has the right to use it.*

(5) A person who is required to notify information within section 47(2)(h) (prescribed information) must notify the police of the prescribed details of any prescribed changes in that information.

(6) In subsection (5) “prescribed” means prescribed by regulations made by the Secretary of State.  
Such regulations are subject to affirmative resolution procedure.

~~(7) Notification under this section must be made before the end of the period of three days beginning with the day on which the event in question occurs. Where subsection (3) applies that is the day with which the period referred to in paragraph (a) or (b) (as the case may be) ends.~~

(7) Notification under this section must be made—  
(a) in a case to which subsection (4C) applies, before the earlier of the following—  
    (i) the end of the period of three days beginning with the day on which the person becomes the registered owner of the motor vehicle or acquires a right to use it, or  
    (ii) the first occasion on which the person uses the motor vehicle by virtue of being its registered owner or having a right to use it,  
(b) in a case to which subsection (4D) applies, before the earlier of the following—  
    (i) the end of the period of three days beginning with the day on which the identifying information changes, or  
    (ii) the first occasion on which the person uses the motor vehicle after the identifying information has changed,  
(c) in any other case, before the end of the period of three days beginning with the day on which the event in question occurs (and, where subsection (3) applies, that is the day with which the period referred to in paragraph (a) or (b) (as the case may be) of subsection (3) ends).

(8) In determining the period within which notification is to be made under this section, there shall be disregarded any time when the person is—

- (a) remanded in or committed to custody by an order of a court,
- (b) serving a sentence of imprisonment or detention,
- (c) detained in a hospital, or
- (d) detained under the Immigration Acts.

(9) References in this section to previous notification are to previous notification by the person under section 47 (initial notification), this section, section 49 (periodic re-notification) or section 56 (notification on return after absence from UK).

(10) Notification under this section must be accompanied by re-notification of the other information mentioned in section 47(2).

**SECTION 49 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY CLAUSE 12(5) OF AND PARAGRAPH 45 OF SCHEDULE 4 TO THE  
BILL**

**49 - Periodic re-notification**

(1) A person to whom the notification requirements apply must, within ~~the period of one year~~ *the applicable period* after last notifying the police in accordance with—

- (a) section 47 (initial notification),
- (b) section 48 (notification of change: *general*),
- (ba) section 48A (notification of changes: *financial information and information about identification documents*),
- (c) this section, or
- (d) section 56 (notification on return after absence from UK),

re-notify to the police the information mentioned in section 47(2).

(1A) In subsection (1), the “*applicable period*” means—

- (a) *in the case of a person who has no sole or main residence in the United Kingdom, the period of one week, and*
- (b) *in any other case, the period of one year.*

(2) Subsection (1) does not apply if the ~~period referred to in that subsection~~ *applicable period* ends at a time when the person is—

- (a) remanded in or committed to custody by an order of a court,
- (b) serving a sentence of imprisonment or detention,
- (c) detained in a hospital, or
- (d) detained under the Immigration Acts.

(3) In that case section 48(4) and (10) (duty to notify of release and to re-notify other information) apply when the person is released.

**SECTION 50 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY PARAGRAPH 46 OF SCHEDULE 4 TO THE BILL**

**50 - Method of notification and related matters**

- (1) This section applies to notification under—
- (a) section 47 (initial notification),
  - (b) section 48 (notification of change: *general*),
  - (ba) section 48A (notification of changes: *financial information and information about identification documents*),
  - (c) section 49 (periodic re-notification), or
  - (d) section 56 (notification on return after absence from UK).
- (2) Notification must be made by the person—
- (a) attending at a police station in the person's local police area, and
  - (b) making an oral notification to a police officer or to a person authorised for the purpose by the officer in charge of the station.
- (3) A person making a notification under section 48 (notification of change) in relation to premises referred to in subsection (3) of that section may make the notification at a police station that would fall within subsection (2)(a) above if the address of those premises were the person's home address.
- (4) The notification must be acknowledged.
- (5) The acknowledgement must be in writing, and in such form as the Secretary of State may direct.
- (6) The person making the notification must, if requested to do so by the police officer or person to whom the notification is made, allow the officer or person to—
- (a) take the person's fingerprints,
  - (b) photograph any part of the person, or
  - (c) do both these things,
- for the purpose of verifying the person's identity.
- (7) In the application of this section to Scotland, references to a police officer are to be read as references to a constable.

**SECTION 54 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY PARAGRAPH 47 OF SCHEDULE 4 TO THE BILL**

**54 - Offences relating to notification**

(1) A person commits an offence who—

(a) fails without reasonable excuse to comply with—

section 47 (initial notification),  
section 48 (notification of changes: *general*),  
*section 48A (notification of changes: financial information and  
information about identification documents)*,  
section 49 (periodic re-notification),  
section 50(6) (taking of fingerprints or photographs),  
any regulations made under section 52(1) (travel outside United  
Kingdom), or  
section 56 (notification on return after absence from UK); or

(b) notifies to the police in purported compliance with—

section 47 (initial notification),  
section 48 (notification of changes: *general*),  
*section 48A (notification of changes: financial information and  
information about identification documents)*,  
section 49 (periodic re-notification),  
any regulations made under section 52(1) (travel outside United  
Kingdom), or  
section 56 (notification on return after absence from UK),

any information that the person knows to be false.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

(3) In the application of subsection (2)(a)—

(a) in England and Wales, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), or

(b) in Northern Ireland,

for “12 months” substitute “6 months”.

(4) A person—

(a) commits an offence under subsection (1)(a) above on the day on which the person first fails without reasonable excuse to comply with—

section 47 (initial notification),  
section 48 (notification of changes: *general*),  
*section 48A (notification of changes: financial information and information about identification documents)*,  
section 49 (periodic re-notification),  
any regulations made under section 52(1) (travel outside United Kingdom), or  
section 56 (notification on return after absence from UK), and

(b) continues to commit it throughout any period during which the failure continues.

But a person must not be prosecuted under subsection (1) more than once in respect of the same failure.

(5) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence resides or is found.

**SECTION 55 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY PARAGRAPH 48 OF SCHEDULE 4 TO THE BILL**

**55 - Effect of absence abroad**

(1) If a person to whom the notification requirements apply is absent from the United Kingdom for any period the following provisions apply.

(2) During the period of absence the period for which the notification requirements apply continues to run.

(3) The period of absence does not affect the obligation under section 47 (initial notification).

This is subject to subsection (4).

(4) Section 47 does not apply if—

- (a) the period of absence begins before the end of the period within which notification must be made under that section, and
- (b) the person's absence results from the person's removal from the United Kingdom.

(5) ~~Section 48~~ *Section 48 and 48A* (notification of changes)—

- (a) ~~applies~~ *apply* in relation to an event that occurs before the period of absence, but
- (b) ~~does~~ *do* not apply in relation to an event that occurs during the period of absence.

Paragraph (a) is subject to subsection (6).

(6) ~~Section 48 does~~ *Sections 48 and 48A do* not apply in relation to an event that occurs before the period of absence if—

- (a) the period of absence begins before the end of the period within which notification must be made under that section, and
- (b) the person's absence results from the person's removal from the United Kingdom.

(7) Section 49 (periodic re-notification) does not apply if ~~the period~~ *the applicable period* referred to in subsection (1) of that section ends during the period of absence.

(8) Section 53(7) (disregard of period of custody etc) applies in relation to the period of absence as if it referred to any period when the person was—

- (a) remanded in or committed to custody by an order of a court outside the United Kingdom,
- (b) serving a sentence of imprisonment or detention imposed by such a court,
- (c) detained in a hospital pursuant to an order of such a court that is equivalent to a hospital order, or
- (d) subject to a form of detention outside the United Kingdom that is equivalent to detention under the Immigration Acts.

(9) References in this section and section 56 to a person's removal from the United Kingdom include—

- (a) the person's removal from the United Kingdom in accordance with the Immigration Acts,
- (b) the person's extradition from the United Kingdom, or
- (c) the person's transfer from the United Kingdom to another country pursuant to a warrant under section 1 of the Repatriation of Prisoners Act 1984 (c. 47).



**SECTION 56 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY PARAGRAPH 49 OF SCHEDULE 4 TO THE BILL**

**56 - Notification on return after absence from UK**

(1) This section applies if, before the end of the period for which the notification requirements apply, a person to whom the requirements apply returns to the United Kingdom after a period of absence and—

(a) the person was not required to make a notification under section 47 (initial notification),

(b) there has been a change to any of the information last notified to the police in accordance with—

(i) section 47,

(ii) section 48 (notification of changes: *general*),

(*iiia*) section 48A (notification of changes: *financial information and information about identification documents*),

(iii) section 49 (periodic re-notification), or

(iv) this section, or

(c) the period referred to in section 49(1) (period after which re-notification required) ended during the period of absence.

(2) The person must notify or (as the case may be) re-notify to the police the information mentioned in section 47(2) within the period of three days beginning with the day of return.

(3) In determining the period within which notification is to be made under this section, there shall be disregarded any time when the person is—

(a) remanded in or committed to custody by an order of a court,

(b) serving a sentence of imprisonment or detention,

(c) detained in a hospital, or

(d) detained under the Immigration Acts.

(4) This section does not apply if—

(a) the person subsequently leaves the United Kingdom,

(b) the period of absence begins before the end of the period within which notification must be made under this section, and

(c) the person's absence results from the person's removal from the United Kingdom.

(5) The obligation under this section does not affect any obligation to notify information under section 52(3) (regulations requiring notification of return etc).

**SECTION 60 OF THE COUNTER-TERRORISM ACT 2008 AS AMENDED  
BY CLAUSE 12(6) OF THE BILL**

**60 - Minor definitions for Part 4**

In this Part—

*“contact details” means—*

- (a) telephone numbers (if any), and*
- (b) email addresses (if any);*

*“country” includes a territory;*

*“detained in a hospital” means detained in a hospital under—*

- (a) Part 3 of the Mental Health Act 1983 (c. 20),*
- (b) Part 6 of the Criminal Procedure (Scotland) Act 1995 (c. 46) or the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), or*
- (c) Part 3 of the Mental Health (Northern Ireland) Order (S.I. 1986/595 (N.I. 4));*

*“home address” means, in relation to a person—*

- (a) the address of the person's sole or main residence in the United Kingdom, or*
- (b) where the person has no such residence, the address or location of a place in the United Kingdom where the person can regularly be found and, if there is more than one such place, such one of those places as the person may select;*

*“hospital order” means—*

- (a) a hospital order within the meaning of the Mental Health Act 1983,*
- (b) an order under Part 6 of the Criminal Procedure (Scotland) Act 1995, or*
- (c) a hospital order within the meaning of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));*

*“identifying information”, in relation to a motor vehicle, means—*

- (a) the registration number of the vehicle,*
- (b) the make, model and colour of the vehicle, and*
- (c) the location where the vehicle is normally stored when not in use;*

*“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;*

*“passport” means—*

- (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (c. 77), or*
- (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom or by or on behalf of an international organisation, and includes any document that can be used (in some or all circumstances) instead of a passport;*

*“payment card” means a credit card, a charge card, a prepaid card or a debit card;*

*“photograph” includes any process by means of which an image may be produced;*

*“registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994;*

“release” from imprisonment or detention includes release on licence but not temporary release.

**REGULATION 3 OF THE COUNTER-TERRORISM ACT 2008 (FOREIGN TRAVEL NOTIFICATION REQUIREMENTS) REGULATIONS 2008 AS AMENDED BY PARAGRAPH 50(1)(a) OF SCHEDULE 4 TO THE BILL**

**3 — Notification of departure: requirement and content**

(1) This regulation applies to a person to whom the notification requirements in Part 4 of the 2008 Act apply and who intends to leave the United Kingdom ~~for a period of three days or more.~~

(2) A person to whom this regulation applies must notify the required information to the police.

(3) For the purposes of this and the following regulation, the “required information” is—

(a) the information that must be disclosed in accordance with section 52(2)(a) to (c), and

(b) so much of the following information as the person holds—

(i) where the person intends to travel to more than one country outside the United Kingdom, the person's point of arrival in each such country (other than the point of arrival specified in section 52(2)(c)),

(ii) the name of the carrier the person intends to use to leave the United Kingdom and to return to the United Kingdom,

(iii) the name of any carrier the person intends to use to travel between countries while outside the United Kingdom,

(iv) the address or other place at which the person intends to stay for their first night outside the United Kingdom,

(v) where the person intends to return to the United Kingdom on a particular date, that date, and

(vi) where the person intends to return to the United Kingdom at a particular point of arrival, that point of arrival.

**REGULATION 4 OF THE COUNTER-TERRORISM ACT 2008 (FOREIGN TRAVEL NOTIFICATION REQUIREMENTS) REGULATIONS 2008 AS AMENDED BY PARAGRAPH 50(1)(b) OF SCHEDULE 4 TO THE BILL**

**4— Notification of departure: timing**

(1) Where a person knows any of the required information more than seven days before the date of their intended departure, the person must notify such of the required information as the person holds—

(a) not less than seven days before that date (“the seven day notification requirement”), or

(b) if the person has a reasonable excuse for not complying with the seven day notification requirement, as soon as practicable but in any event not less than twenty-four hours before that date.

(2) Where the person has notified the police in accordance with paragraph (1) but—

(a) the information so notified does not contain all the required information, or

(b) at any time prior to their intended departure, the information so notified becomes inaccurate,

the person must notify to the police the remaining required information or the changes to the required information as the case may be in accordance with the rule in paragraph (4).

(3) Where a person does not know any of the required information more than seven days before the date of their intended departure, the person must notify the required information to the police in accordance with the rule in paragraph (4).

(4) The rule is that the person must make the notification—

(a) not less than ~~twenty-four~~ *twelve* hours before the date of their intended departure (“the ~~twenty-four~~ *twelve* hour notification requirement”), or

(b) if the person has a reasonable excuse for not complying with the ~~twenty-four~~ *twelve* hour notification requirement, as soon as practicable but in any event before the person's departure from the United Kingdom.

**REGULATION 5 OF THE COUNTER-TERRORISM ACT 2008 (FOREIGN TRAVEL NOTIFICATION REQUIREMENTS) REGULATIONS 2008 AS AMENDED BY PARAGRAPH 50(1)(c) OF SCHEDULE 4 TO THE BILL**

**5 — Notification of return**

(1) This regulation applies to a person to whom the notification requirements in Part 4 of the 2008 Act apply and who returns to the United Kingdom after leaving the United Kingdom ~~for a period of three days or more.~~

(2) Subject to paragraph (4), a person to whom this regulation applies must notify the following information to the police within the period of three days beginning with the day on which the person returns to the United Kingdom.

(3) The information is—

- (a) the date of the person's return to the United Kingdom, and
- (b) the person's point of arrival in the United Kingdom.

(4) Paragraph (2) does not apply to a person who notified to the police in accordance with regulation 4 a date and a point of arrival as specified in regulation 3(3)(b)(v) and (vi), and whose return to the United Kingdom was on that date and at that point of arrival.

**ARTICLE 12 OF THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008 AS AMENDED BY CLAUSE 11(2) OF THE BILL**

**12 — Meaning of “specified offence” etc.**

(1) An offence is a “specified offence” for the purposes of this Chapter if it is a specified violent offence, *a specified sexual offence or a specified terrorism offence* ~~or a specified sexual offence~~.

(2) A specified offence is a “serious offence” for the purposes of this Chapter if it is an offence specified in Schedule 1.

(3) In this Chapter—

“life sentence” means—

(a) a sentence of imprisonment for life; or

(b) a sentence of detention under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9);

“specified violent offence” means an offence specified in Part 1 of Schedule 2;

“specified sexual offence” means an offence specified in Part 2 of that Schedule.

*“specified terrorism offence” means an offence specified in Part 3 of that Schedule.*

(4) References in this Chapter to conviction on indictment include references to a finding of guilt under Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9).

(5) The Secretary of State may by order amend Schedules 1 and 2.

**ARTICLE 14 OF THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER  
2008 AS AMENDED BY CLAUSE 11(3) OF THE BILL**

**14 — Extended custodial sentence for certain violent or sexual offences**

- (1) This Article applies where—
- (a) a person is convicted on indictment of a specified offence committed after the commencement of this Article; and
  - (b) the court is of the opinion—
    - (i) that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences; and
    - (ii) where the specified offence is a serious offence, that the case is not one in which the court is required by Article 13 to impose a life sentence or an indeterminate custodial sentence.
- (2) The court shall impose on the offender an extended custodial sentence.
- (3) Where the offender is aged 21 or over, an extended custodial sentence is a sentence of imprisonment the term of which is equal to the aggregate of
- (a) the appropriate custodial term; and
  - (b) a further period (“the extension period”) for which the offender is to be subject to a licence and which is of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.
- (4) In paragraph (3)(a) “the appropriate custodial term” means a term (not exceeding the maximum term) which—
- (a) is the term that would (apart from this Article) be imposed in compliance with Article 7 (length of custodial sentences); or
  - (b) where the term that would be so imposed is a term of less than 12 months, is a term of 12 months.
- (5) Where the offender is under the age of 21, an extended custodial sentence is a sentence of detention at such place and under such conditions as the Secretary of State may direct for a term which is equal to the aggregate of—
- (a) the appropriate custodial term; and
  - (b) a further period (“the extension period”) for which the offender is to be subject to a licence and which is of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.
- (6) In paragraph (5)(a) “the appropriate custodial term” means such term (not exceeding the maximum term) as the court considers appropriate, not being a term of less than 12 months.



(7) A person detained pursuant to the directions of the Secretary of State under paragraph (5) shall while so detained be in legal custody.

(8) The extension period under paragraph (3)(b) or (5)(b) shall not exceed—  
(a) five years in the case of a specified violent offence; and  
(b) eight years in the case of a specified sexual offence *or a specified terrorism offence*.

(9) The term of an extended custodial sentence in respect of an offence shall not exceed the maximum term.

(10) In this Article “maximum term” means the maximum term of imprisonment that is, apart from Article 13, permitted for the offence where the offender is aged 21 or over.

(11) A court which imposes an extended custodial sentence shall not make an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29) (suspended sentences) in relation to that sentence.

(12) Remission shall not be granted under prison rules to the offender in respect of a sentence imposed under this Article.

## SECTION 36 OF THE COUNTER-TERRORISM AND SECURITY ACT 2015 AS AMENDED BY CLAUSE 19(3) AND (4) OF THE BILL

### 36 — Assessment and support: local panels

(1) Each local authority must ensure that a panel of persons is in place for its area—

- (a) with the function of assessing the extent to which identified individuals are vulnerable to being drawn into terrorism, and
- (b) with the other functions mentioned in subsection (4).

(2) “Identified individual”, in relation to a panel, means an individual who is referred to the panel by a chief officer of police, *or by a local authority*, for an assessment of the kind mentioned in subsection (1) (a).

(3) A chief officer of police *or a local authority* may refer an individual to a panel only if there are reasonable grounds to believe that the individual is vulnerable to being drawn into terrorism.

(4) The functions of a panel referred to in subsection (1) (b) are—

- (a) to prepare a plan in respect of identified individuals who the panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism;
- (b) if the necessary consent is given, to make arrangements for support to be provided to those individuals in accordance with their support plan;
- (c) to keep under review the giving of support to an identified individual under a support plan;
- (d) to revise a support plan, or withdraw support under a plan, if at any time the panel considers it appropriate;
- (e) to carry out further assessments, after such periods as the panel considers appropriate, of an individual's vulnerability to being drawn into terrorism in cases where—
  - (i) the necessary consent is refused or withdrawn to the giving of support under a support plan, or
  - (ii) the panel has determined that support under a plan should be withdrawn;
- (f) to prepare a further support plan in such cases if the panel considers it appropriate.

(5) A support plan must include the following information—

- (a) how, when and by whom a request for the necessary consent is to be made;
- (b) the nature of the support to be provided to the identified individual;
- (c) the persons who are to be responsible for providing it;
- (d) how and when such support is to be provided.

(6) Where in the carrying out of its functions under this section a panel determines that support should not be given to an individual under a support plan, the panel—

- (a) must consider whether the individual ought to be referred to a provider of any health or social care services, and
- (b) if so, must make such arrangements as the panel considers appropriate for the purpose of referring the individual.

(7) In exercising its functions under this section a panel must have regard to any guidance given by the Secretary of State about the exercise of those functions.

(8) Before issuing guidance under subsection (7) the Secretary of State must (whether before or after this Act is passed) consult—

- (a) the Welsh Ministers so far as the guidance relates to panels in Wales;
- (b) the Scottish Ministers so far as the guidance relates to panels in Scotland;
- (c) any person whom the Secretary of State considers appropriate.

## SECTION 38 OF THE COUNTER-TERRORISM AND SECURITY ACT 2015 AS AMENDED BY CLAUSE 19(6) AND (7) OF THE BILL

### 38 — Co-operation

- (1) The partners of a panel must, so far as appropriate and reasonably practicable, act in co-operation with—
- (a) the panel in the carrying out of its functions;
  - (b) the police *and local authorities* in the carrying out of their functions in connection with section 36.
- (2) The partners of a panel are the persons and bodies specified in Schedule 7.
- (3) The duty of a partner of a panel to act in co-operation with the panel—
- (a) includes the giving of information (subject to subsection (4));
  - (b) extends only so far as the co-operation is compatible with the exercise of the partner's functions under any other enactment or rule of law.
- (4) Nothing in this section requires or authorises the making of—
- (a) a disclosure that would contravene the Data Protection Act 1998;
  - (b) a disclosure of any sensitive information.
- (5) “Sensitive information” means information—
- (a) held by an intelligence service,
  - (b) obtained (directly or indirectly) from, or held on behalf of, an intelligence service,
  - (c) derived in whole or part from information obtained (directly or indirectly) from, or held on behalf of, an intelligence service, or
  - (d) relating to an intelligence service.
- (6) In carrying out the duty imposed by subsection (1), partners of a panel must have regard to any guidance given by the Secretary of State about the carrying out of that duty.
- (7) Before issuing guidance under subsection (6) the Secretary of State must (whether before or after this Act is passed) consult—
- (a) the Welsh Ministers so far as the guidance relates to panels in Wales;
  - (b) the Scottish Ministers so far as the guidance relates to panels in Scotland;
  - (c) any person whom the Secretary of State considers appropriate.
- (8) The reference in subsection (1) (b) to functions of the police *and local authorities* in connection with section 36 includes, in particular, a chief officer's *or local authority's* function of determining whether an individual should be referred to a panel for the carrying out of an assessment of the kind mentioned in subsection (1)(a) of that section.