



Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 5

RISK OF BEING DRAWN INTO TERRORISM

CHAPTER 1

PREVENTING PEOPLE BEING DRAWN INTO TERRORISM

26 General duty on specified authorities

- (1) A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.
- (2) A specified authority is a person or body that is listed in Schedule 6.
- (3) In the case of a specified authority listed in Schedule 6 in terms that refer to the exercise of particular functions or to a particular capacity that it has, the reference in subsection (1) to the authority's functions is to those functions or its functions when acting in that capacity.
- (4) Subsection (1) does not apply to the exercise of—
 - (a) a judicial function;
 - (b) a function exercised on behalf of, or on the instructions of, a person exercising a judicial function;
 - (c) a function in connection with proceedings in the House of Commons or the House of Lords;
 - (d) a function in connection with proceedings in the Scottish Parliament;
 - (e) a function in connection with proceedings in the National Assembly for Wales.
- (5) References to a judicial function include a reference to a judicial function conferred on a person other than a court or tribunal.

27 Power to specify authorities

- (1) The Secretary of State may by regulations made by statutory instrument amend Schedule 6.
- (2) The power under subsection (1) may not be exercised so as to extend the application of section 26(1) to—
 - (a) the exercise of a function referred to in section 26(4);
 - (b) the House of Commons;
 - (c) the House of Lords;
 - (d) the Scottish Parliament;
 - (e) the National Assembly for Wales or the Assembly Commission within the meaning of the Government of Wales Act 2006;
 - (f) the General Synod of the Church of England;
 - (g) the Security Service;
 - (h) the Secret Intelligence Service;
 - (i) the Government Communications Headquarters;
 - (j) any part of Her Majesty's forces, or of the Ministry of Defence, which engages in intelligence activities.
- (3) Regulations under this section may amend this Chapter so as to make consequential or supplemental provision.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (5) Subsection (4) does not apply to a statutory instrument containing regulations that only make provision for—
 - (a) the omission of an entry where the authority concerned has ceased to exist, or
 - (b) the variation of an entry in consequence of a change of name or transfer of functions.
- (6) A statutory instrument that falls within subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.

28 Power to specify authorities: Welsh and Scottish authorities

- (1) The Secretary of State must consult the Welsh Ministers before making regulations under section 27(1) that—
 - (a) add a Welsh authority to Schedule 6, or
 - (b) amend or remove an entry that relates to a Welsh authority.
- (2) The Secretary of State must consult the Scottish Ministers before making regulations under section 27(1) that—
 - (a) add a Scottish authority to Schedule 6, or
 - (b) amend or remove an entry that relates to a Scottish authority.

29 Power to issue guidance

- (1) The Secretary of State may issue guidance to specified authorities about the exercise of their duty under section 26(1).

- (2) A specified authority must have regard to any such guidance in carrying out that duty.
- (3) The Secretary of State—
 - (a) may issue separate guidance in relation to different matters;
 - (b) may issue guidance to all specified authorities, to particular specified authorities or to specified authorities of a particular description.
- (4) Before issuing guidance under subsection (1) 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 the devolved Welsh functions of a Welsh authority;
 - (b) the Scottish Ministers so far as the guidance relates to the devolved Scottish functions of a Scottish authority;
 - (c) any person whom the Secretary of State considers appropriate.
- (5) Guidance issued under subsection (1) takes effect on whatever day the Secretary of State appoints by regulations made by statutory instrument.

A statutory instrument containing regulations under this subsection may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (6) The Secretary of State may from time to time revise any guidance issued under this section.
- (7) Subsections (2), (3) and (5) have effect in relation to any revised guidance.
- (8) Subsection (4) has effect in relation to any revised guidance unless the Secretary of State considers that the proposed revisions to the guidance are insubstantial.
- (9) The Secretary of State must publish the current version of any guidance issued under this section.

30 Power to give directions: general

- (1) Where the Secretary of State is satisfied that a specified authority has failed to discharge the duty imposed on it by section 26(1), the Secretary of State may give directions to the authority for the purpose of enforcing the performance of that duty.
- (2) A direction given under this section may be enforced, on an application made on behalf of the Secretary of State, by a mandatory order.
- (3) The Secretary of State must consult the Welsh Ministers before giving directions under subsection (1) so far as relating to the devolved Welsh functions of a Welsh authority.
- (4) The Secretary of State must consult the Scottish Ministers before giving directions under subsection (1) so far as relating to the devolved Scottish functions of a Scottish authority.

31 Freedom of expression in universities etc

- (1) This section applies to a specified authority if it is the proprietor or governing body of—

Status: This is the original version (as it was originally enacted).

- (a) an institution that provides further education (within the meaning given by section 2(3) of the Education Act 1996), or
 - (b) an institution that provides courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).
- (2) When carrying out the duty imposed by section 26(1), a specified authority to which this section applies—
 - (a) must have particular regard to the duty to ensure freedom of speech, if it is subject to that duty;
 - (b) must have particular regard to the importance of academic freedom, if it is the proprietor or governing body of a qualifying institution.
- (3) When issuing guidance under section 29 to specified authorities to which this section applies, the Secretary of State—
 - (a) must have particular regard to the duty to ensure freedom of speech, in the case of authorities that are subject to that duty;
 - (b) must have particular regard to the importance of academic freedom, in the case of authorities that are proprietors or governing bodies of qualifying institutions.
- (4) When considering whether to give directions under section 30 to a specified authority to which this section applies, the Secretary of State—
 - (a) must have particular regard to the duty to ensure freedom of speech, in the case of an authority that is subject to that duty;
 - (b) must have particular regard to the importance of academic freedom, in the case of an authority that is the proprietor or governing body of a qualifying institution.
- (5) In this section—
 - “the duty to ensure freedom of speech” means the duty imposed by section 43(1) of the Education (No. 2) Act 1986;
 - “academic freedom” means the freedom referred to in section 202(2)(a) of the Education Reform Act 1988;
 - “qualifying institution” has the meaning given by section 202(3) of that Act.

32 Monitoring of performance: further and higher education bodies

- (1) In this section—
 - “monitoring authority” has the meaning given by subsection (4);
 - “relevant further education body” means the governing body or proprietor of an institution in England or Wales that—
 - (a) is subject to the duty imposed by section 26(1), and
 - (b) is subject to that duty because it is an institution at which more than 250 students are undertaking courses in preparation for examinations related to qualifications regulated by the Office of Qualifications and Examinations Regulation or the Welsh Government;
 - “relevant higher education body” means the governing body or proprietor of an institution in England or Wales that is subject to the duty imposed by section 26(1) because it is—

Status: This is the original version (as it was originally enacted).

- (a) a qualifying institution within the meaning given by section 11 of the Higher Education Act 2004, or
 - (b) an institution at which more than 250 students are undertaking courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).
- (2) A relevant further education body or relevant higher education body must give to the monitoring authority any information that the monitoring authority may require for the purposes of monitoring that body's performance in discharging the duty imposed by section 26(1).
- (3) The information that the monitoring authority may require under subsection (2) includes information which specifies the steps that will be taken by the body in question to ensure that it discharges the duty imposed by section 26(1).
- (4) The “monitoring authority” for a relevant further education body or a relevant higher education body is—
 - (a) the Secretary of State, or
 - (b) a person to whom the Secretary of State delegates the function under subsection (2) in relation to that body.

The Secretary of State must consult the Welsh Ministers before delegating the function under subsection (2) in relation to institutions in Wales.

- (5) A delegation under subsection (4)(b) must be made by giving notice in writing to the person to whom the delegation is made if—
 - (a) that person is Her Majesty's Chief Inspector of Education, Children's Services and Skills or Her Majesty's Chief Inspector of Education and Training in Wales, and the function is delegated in relation to relevant further education bodies;
 - (b) that person is the Higher Education Funding Council for England or the Higher Education Funding Council for Wales, and the function is delegated in relation to relevant higher education bodies.
- (6) Otherwise, a delegation under subsection (4)(b) must be made by regulations.
- (7) The Secretary of State must publish any notice given under subsection (5).
- (8) Regulations under subsection (6) are to be made by statutory instrument; and any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
 - (a) “institution in England” means an institution whose activities are carried on, or principally carried on, in England, and includes the Open University;
 - (b) “institution in Wales” means an institution whose activities are carried on, or principally carried on, in Wales.

33 Power to give directions: section 32

- (1) Where the Secretary of State is satisfied that a relevant further education body or a relevant higher education body has failed to comply with a requirement under section 32(2), the Secretary of State may give directions to the body for the purpose of enforcing compliance.

- (2) A direction under this section may be enforced, on an application made on behalf of the Secretary of State, by a mandatory order.
- (3) The Secretary of State must consult the Welsh Ministers before giving directions under subsection (1) in relation to institutions in Wales.
- (4) In this section “relevant further education body”, “relevant higher education body” and “institution in Wales” have the same meaning as in section 32.

34 Enforcement

A failure in respect of a performance of a duty imposed by or under this Chapter does not confer a cause of action at private law.

35 Chapter 1: interpretation

- (1) This section applies for the purposes of this Chapter.
- (2) “Function” does not include a function so far as it is exercised outside Great Britain.
- (3) “Terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).
- (4) “Welsh authority” means a person or body that has any function which—
 - (a) is exercisable in or as regards Wales, and
 - (b) is a devolved Welsh function.
- (5) A function is a “devolved Welsh function” if it relates to—
 - (a) a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
 - (b) a matter within the legislative competence of the National Assembly for Wales.
- (6) “Scottish authority” means a person or body that has any devolved Scottish function.
- (7) A function is a “devolved Scottish function” if—
 - (a) it is exercisable in or as regards Scotland, and
 - (b) it does not relate to reserved matters (within the meaning of the Scotland Act 1998).

CHAPTER 2

SUPPORT ETC FOR PEOPLE VULNERABLE TO BEING DRAWN INTO TERRORISM

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 for an assessment of the kind mentioned in subsection (1)(a).
- (3) A chief officer of police 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.

37 Membership and proceedings of panels

- (1) The members of a panel must include—
 - (a) the responsible local authority;
 - (b) the chief officer of police for a police area the whole or any part of which is in the area of that authority.
- (2) Each of those members must appoint a person to represent them on the panel; and the representative must be a person whom the member concerned considers to have the required skills and experience.
- (3) Where more than one chief officer of police comes within subsection (1)(b), a person may represent more than one of the chief officers; but at any meeting of the panel at which an identified individual is to be discussed there must be a person present from the police force for the area in which the individual resides to act as the representative.
- (4) A panel may also include such other persons as the responsible local authority considers appropriate (whether generally or in the case of a particular identified individual).
- (5) The chair of a panel is the responsible local authority; but where more than one local authority is the responsible local authority, the authorities may determine that one (or more) of them is to be the chair.
- (6) If a panel cannot reach a unanimous decision on a question arising before it, the question must be decided—
 - (a) according to the opinion of the majority of the panel, or
 - (b) if there is no majority opinion, by the chair.
- (7) Subject to subsection (6), a panel may determine its own procedure.

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 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 in connection with section 36 includes, in particular, a chief officer'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.

39 Power to amend Chapter 2

- (1) The Secretary of State may by regulations made by statutory instrument amend—
 - (a) the definition of “local authority” in section 41;
 - (b) Schedule 7.
- (2) The Secretary of State must consult the Welsh Ministers before making regulations under subsection (1) that—
 - (a) add a Welsh authority to Schedule 7, or
 - (b) amend or remove an entry in that Schedule relating to a Welsh authority.
- (3) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (1) that—
 - (a) add a description of authority in Scotland to the definition of “local authority”,
 - (b) add a Scottish authority to Schedule 7, or
 - (c) amend or remove an entry in that Schedule relating to a Scottish authority.
- (4) Regulations under this section may amend this Chapter so as to make consequential or supplemental provision.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (6) Subsection (5) does not apply to a statutory instrument containing regulations that only make provision for—
 - (a) the omission of an entry in Schedule 7 where the body concerned has ceased to exist, or
 - (b) the variation of an entry in consequence of a change of name or transfer of functions.
- (7) A statutory instrument that falls within subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.

- (8) In this section “Welsh authority” and “Scottish authority” have the same meaning as in Chapter 1.

40 Indemnification

- (1) The Secretary of State may agree to indemnify a support provider against any costs and expenses that the provider reasonably incurs in connection with any decision or action taken by the provider in good faith in carrying out functions as a provider.
- (2) The agreement may be made in whatever manner, and on whatever terms, the Secretary of State considers appropriate.
- (3) In this section “support provider” means a person who provides support under a support plan.

41 Chapter 2: interpretation

- (1) In this Chapter—

“health or social care services” means services relating to health or social care within the meaning given by section 9 of the Health and Social Care Act 2008;

“identified individual” has the meaning given in section 36(2);

“intelligence service” means—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) the Government Communications Headquarters, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“local authority” means—

- (a) a county council in England;
- (b) a district council in England, other than a council for a district in a county for which there is a county council;
- (c) a London Borough Council;
- (d) the Common Council of the City of London in its capacity as a local authority;
- (e) the Council of the Isles of Scilly;
- (f) a county council or county borough council in Wales;

“the necessary consent”, in relation to an identified individual, means—

- (a) if the individual is aged 18 years or over, his or her consent;
- (b) if the individual is aged under 18 years, the consent of his or her parent or guardian;

“panel” means a panel of persons in place under the duty imposed by section 36(1);

“responsible local authority”, in relation to a panel, means the local authority responsible for ensuring that the panel is in place under the duty imposed by section 36(1);

“support plan” means a plan prepared by a panel in carrying out its functions mentioned in section 36(4)(a) or (f);

“terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).

- (2) For the purposes of the definition of “local authority” in subsection (1), the Inner Temple and the Middle Temple are to be taken as falling within the area of the Common Council of the City of London.
- (3) Where two or more local authorities exercise their respective duties under section 36(1) by ensuring that a panel is in place for their combined area—
 - (a) a reference in this Chapter to the responsible local authority is to be read as a reference to the responsible local authorities for the panel;
 - (b) a reference in this Chapter to the authority’s area is to be read as a reference to the combined area.