



Counter-Terrorism and Border Security Act 2019

CHAPTER 3

COUNTER-TERRORISM AND BORDER SECURITY ACT 2019

PART 1

COUNTER-TERRORISM

CHAPTER 1

TERRORIST OFFENCES

- 1 Expressions of support for a proscribed organisation
- 2 Publication of images and seizure of articles
- 3 Obtaining or viewing material over the internet
- 4 Entering or remaining in a designated area
- 5 Encouragement of terrorism and dissemination of terrorist publications
- 6 Extra-territorial jurisdiction

CHAPTER 2

PUNISHMENT AND MANAGEMENT OF TERRORIST OFFENDERS

Sentencing

- 7 Increase in maximum sentences
- 8 Sentences for offences with a terrorist connection
- 9 Extended sentences etc for terrorism offences: England and Wales
- 10 Extended sentences for terrorism offences: Scotland
- 11 Extended sentences for terrorism offences: Northern Ireland

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019. (See end of Document for details)

Notification requirements

- 12 Additional requirements
- 13 Power to enter and search home

Serious crime prevention orders

- 14 Serious crime prevention orders

CHAPTER 3

COUNTER-TERRORISM POWERS

- 15 Traffic regulation
- 16 Evidence obtained under port and border control powers
- 17 Persons detained under port and border control powers
- 18 Detention of terrorist suspects: hospital treatment
- 19 Retention of biometric data for counter-terrorism purposes etc

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MISCELLANEOUS

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PART 2

BORDER SECURITY

- 22 Port and border controls

PART 3

FINAL PROVISIONS

- 23 Minor and consequential amendments
- 24 Notification requirements: transitional provisions
- 25 Other transitional provisions
- 26 Extent
- 27 Commencement
- 28 Short title

SCHEDULES

SCHEDULE 1 — Notification requirements: financial information and information about identification documents

This is the Schedule to be inserted as Schedule 3A...

SCHEDULE 2 — Retention of biometric data for counter-terrorism purposes etc

Police and Criminal Evidence Act 1984

- 1 The Police and Criminal Evidence Act 1984 is amended as...
- 2 (1) Section 63F (retention of section 63D material: persons arrested...

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- 3 (1) Section 63M (retention of section 63D material for purposes...
- 4 After section 63P insert— Retention of further sets of fingerprints...

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 5 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...

Criminal Procedure (Scotland) Act 1995

- 6 The Criminal Procedure (Scotland) Act 1995 is amended as follows....
- 7 (1) Section 18G (retention of samples etc: national security) is...
- 8 After section 18G insert— Retention of further fingerprints (1) This section applies where— (a) relevant physical data to...

Terrorism Act 2000

- 9 Part 1 of Schedule 8 to the Terrorism Act 2000...
- 10 (1) Paragraph 20E is amended as follows.
- 11 After paragraph 20E insert— (1) This paragraph applies where paragraph 20A material is or...

Counter-Terrorism Act 2008

- 12 The Counter-Terrorism Act 2008 is amended as follows.
- 13 (1) Section 18B (retention for purposes of national security) is...
- 14 After section 18B insert— Retention of further fingerprints (1) This section applies where section 18 material is or...

Terrorism Prevention and Investigation Measures Act 2011

- 15 Schedule 6 to the Terrorism Prevention and Investigation Measures Act...
- 16 (1) Paragraph 11 is amended as follows.
- 17 After paragraph 11 insert— (1) This paragraph applies where paragraph 6 material is or...

Protection of Freedoms Act 2012

- 18 Part 6 of Schedule 1 to the Protection of Freedoms...
- 19 In paragraph 7, in sub-paragraph (3)(b) for “2 years” substitute...
- 20 After paragraph 7 insert— (1) This paragraph applies where— (a) fingerprints to which paragraph...

SCHEDULE 3 — Border security
PART 1 — POWERS

Power to stop, question and detain

- 1 (1) An examining officer may question a person for the...
- 2 An examining officer may question a person who is in...
- 3 A person (“P”) questioned under paragraph 1 or 2 must—...
- 4 (1) For the purposes of exercising a power under paragraph...
- 5 (1) This paragraph applies where a person is questioned under...
- 6 (1) An answer or information given orally by a person...

Searches

- 7 An examining officer may, for the purpose of determining whether...
 8 (1) An examining officer who questions a person under paragraph...
 9 (1) An examining officer may examine goods to which this...
 10 (1) An examining officer may authorise a person to carry...

Retention of property

- 11 (1) This paragraph applies to any article which—
 12 (1) This paragraph applies in relation to an article retained...
 13 (1) Before proceeding under paragraph 12 in relation to an...
 14 (1) This paragraph applies where— (a) an article is retained...
 15 (1) If a senior officer grants an authorisation under paragraph...
 16 (1) This paragraph applies after the Investigatory Powers Commissioner has...

Power to make and retain copies

- 17 (1) This paragraph applies where the examining officer is a...
 18 (1) This paragraph applies in relation to a copy consisting...
 19 (1) Before proceeding under paragraph 18 in relation to a...
 20 (1) This paragraph applies where— (a) a copy consisting of...
 21 (1) If a senior officer grants an authorisation under paragraph...
 22 (1) This paragraph applies after the Investigatory Powers Commissioner has...

Offences

- 23 (1) A person commits an offence if the person—

Exercise of powers

- 24 The powers conferred by this Part of this Schedule are...
 PART 2 — DETENTION

Place of detention

- 25 (1) A detainee may be detained at a place designated...

Identification

- 26 (1) An examining officer may take any steps which are...

Video recording of interviews

- 27 (1) This paragraph applies to any interview by a constable...

Status

- 28 A detainee is to be deemed to be in legal...

Rights: England, Wales and Northern Ireland

- 29 (1) Subject to paragraph 32, a detainee who is detained...
 30 (1) Subject to paragraphs 32 and 33, a detainee who...
 31 (1) This paragraph applies where a detainee makes a request...
 32 (1) A police officer of at least the rank of...

- 33 (1) This paragraph applies where a detainee exercises the right...

Fingerprints and samples: England, Wales and Northern Ireland

- 34 (1) This paragraph applies where a detainee is detained in...
35 (1) Before fingerprints or a sample are taken from a...
36 (1) In the application of paragraphs 26, 34 and 35...

Rights: Scotland

- 37 (1) A detainee who is detained at a place in...
38 (1) This paragraph applies where a detainee in Scotland requests...
39 (1) Sub-paragraph (2) applies where a detainee exercises the right...
40 (1) Paragraphs 37 to 39 have effect in relation to...
41 (1) Subject to sub-paragraph (2), where a detainee is permitted...

Fingerprints and samples: Scotland

- 42 (1) Subject to the following modification, section 18 of the...

Destruction and retention of fingerprints and samples etc: United Kingdom

- 43 (1) This paragraph applies to— (a) fingerprints taken under paragraph...
44 (1) Paragraph 43 material may be retained indefinitely in the...
45 (1) For the purposes of paragraph 44, a person is...
46 (1) Paragraph 43 material may be retained for as long...
47 (1) This paragraph applies where paragraph 43 material is or...
48 (1) If fingerprints or relevant physical data are required by...
49 (1) This paragraph applies to— (a) samples taken under paragraph...
50 (1) Any material to which paragraph 43 or 49 applies...
51 In paragraphs 43 to 50— “DNA profile” means any information...

PART 3 — REVIEW OF DETENTION

General requirements

- 52 (1) The detention of a person (“the detainee”) under Part...

Representations

- 53 (1) Before determining whether to authorise a detainee's continued detention,...

Rights

- 54 (1) Where a review officer authorises continued detention the officer...

Record

- 55 (1) A review officer carrying out a review must make...
PART 4 — CODES OF PRACTICE
56 (1) The Secretary of State must issue codes of practice...
57 (1) Before issuing a code under paragraph 56 the Secretary...
PART 5 — RELATED POWERS

Entry

- 58 (1) An examining officer may enter a vehicle for the...

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019. (See end of Document for details)

Reasonable force

- 59 (1) An examining officer may if necessary use reasonable force...

Information

- 60 (1) Information acquired by an examining officer may be supplied—...

Other police powers

- 61 A power conferred by virtue of this Schedule on a...

PART 6 — REVIEW OF POWERS

- 62 (1) The Investigatory Powers Commissioner (“ the Commissioner ”) must—...

PART 7 — CROSS-CHANNEL RAIL SERVICES

- 63 (1) At the end of Schedule 4 to the Channel...

PART 8 — INTERPRETATION

- 64 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 4 — Minor and consequential amendments

PART 1 — CONSEQUENTIAL AMENDMENTS RELATING TO SECTION 9

Children and Young Persons Act 1933 (c. 12)

- 1 In the Children and Young Persons Act 1933, in section...

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In the Parliamentary Commissioner Act 1967, in section 5 (matters...

Bail Act 1976 (c. 63)

- 3 (1) The Bail Act 1976 is amended as follows.

Repatriation of Prisoners Act 1984 (c. 47)

- 4 In the Repatriation of Prisoners Act 1984, in the Schedule...

Police and Criminal Evidence Act 1984 (c. 60)

- 5 In the Police and Criminal Evidence Act 1984, in section...

Road Traffic Offenders Act 1988 (c. 53)

- 6 In the Road Traffic Offenders Act 1988, in section 35A...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 7 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is...

Licensing Act 2003 (c. 17)

- 8 In the Licensing Act 2003, in Schedule 4 (personal licence:...

Criminal Justice Act 2003 (c. 44)

- 9 (1) The Criminal Justice Act 2003 is amended as follows....

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Domestic Violence, Crime and Victims Act 2004 (c. 28)

10 In the following provisions of the Domestic Violence, Crime and...

Armed Forces Act 2006 (c. 52)

11 (1) The Armed Forces Act 2006 is amended as follows....

Coroners and Justice Act 2009 (c. 25)

12 (1) The Coroners and Justice Act 2009 is amended as...

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

13 (1) The Legal Aid, Sentencing and Punishment of Offenders Act...
PART 2 — CONSEQUENTIAL AMENDMENTS RELATING TO SECTION 11

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

14 In the Criminal Justice (Northern Ireland) Order 2008, in Schedule...

Coroners and Justice Act 2009 (c. 25)

15 In section 139 of the Coroners and Justice Act 2009...

Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))

16 (1) Section 55 of the Justice Act (Northern Ireland) 2015...
PART 3 — CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

Children and Young Persons Act 1933 (c. 12)

17 In section 34 of the Children and Young Persons Act...

Police and Criminal Evidence Act 1984 (c. 60)

18 (1) The Police and Criminal Evidence Act 1984 is amended...

Legal Aid (Scotland) Act 1986 (c. 47)

19 In section 8A of the Legal Aid (Scotland) Act 1986...

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

20 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...

Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813)

21 (1) For paragraph 3 of Schedule 4 to the Channel...

Criminal Procedure (Scotland) Act 1995 (c. 46)

22 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...

Terrorism Act 2000 (c. 11)

23 (1) The Terrorism Act 2000 is amended as follows.

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- Regulation of Investigatory Powers Act 2000 (c. 23)*
- 24 In section 3 of the Regulation of Investigatory Powers Act...
- Postal Services Act 2000 (c. 26)*
- 25 In section 104 of the Postal Services Act 2000 (inviolability...
- Counter-Terrorism Act 2008 (c. 28)*
- 26 In section 18 of the Counter-Terrorism Act 2008 (destruction of...
- Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (S.S.I. 2011/217)*
- 27 (1) In regulation 8 of the Advice and Assistance and...
- Terrorism Prevention and Investigation Measures Act 2011 (c. 23)*
- 28 In Schedule 6 to the Terrorism Prevention and Investigation Measures...
- Protection of Freedoms Act 2012 (c. 9)*
- 29 In section 20 of the Protection of Freedoms Act 2012...
- Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)*
- 30 (1) In the Criminal Legal Aid (General) Regulations 2013, in...
- Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 196)*
- 31 (1) In regulation 4(2) of the Civil Legal Services (Financial)...
- Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 201)*
- 32 (1) In Schedule 2 to the Civil Legal Services (Remuneration)...
- Investigatory Powers Act 2016 (c. 25)*
- 33 In section 47 of the Investigatory Powers Act 2016 (postal...
PART 4 — OTHER MINOR AND CONSEQUENTIAL AMENDMENTS
- Criminal Procedure and Investigations Act 1996 (c. 25)*
- 34 In section 29 of the Criminal Procedure and Investigations Act...
- Terrorism Act 2000 (c. 11)*
- 35 The Terrorism Act 2000 is amended as follows.
- 36 In section 13 (uniform), omit subsection (2).
- 37 In section 23A (forfeiture: other terrorism offences etc), in the...
- 38 In section 118 (defences), in subsection (5)(a), after “58A,” insert...
- 39 In Schedule 14 (exercise of officers' powers), in paragraph 4...
- Counter-Terrorism Act 2008 (c. 28)*
- 40 The Counter-Terrorism Act 2008 is amended as follows.

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- 41 In section 18E (sections 18 to 18E: supplementary provisions), in...
- 42 In section 27 (meaning of “terrorism offence”), in the list...
- 43 In section 40 (scheme of Part 4), in subsection (2)—...
- 44 In section 41 (offences to which Part 4 applies: terrorism...
- 45 In section 48 (notification of changes), in subsection (9) after...
- 46 (1) Section 49 (periodic re-notification) is amended as follows.
- 47 In section 50 (method of notification and related matters), in...
- 48 (1) Section 54 (offences relating to notification) is amended as...
- 49 (1) Section 55 (effect of absence abroad) is amended as...
- 50 In section 56 (notification on return after absence from UK),...

*Counter-Terrorism Act 2008 (Foreign Travel Notification
Requirements) Regulations 2009 (S.I. 2009/2493)*

- 51 (1) In the Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements)...

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019.