



Counter-Terrorism and Border Security Act 2019

2019 CHAPTER 3

PART 3

FINAL PROVISIONS

23 Minor and consequential amendments

- (1) Schedule 4 contains minor and consequential amendments.
- (2) The Secretary of State may by regulations make provision that is consequential on any provision made by this Act.
- (3) Regulations under this section may amend any enactment passed or made before this Act or in the same Session.
- (4) A statutory instrument containing regulations under this section any of which amend primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) A statutory instrument containing regulations under this section none of which amends primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under this section—
 - (a) are to be made by statutory instrument;
 - (b) may make different provision for different purposes;
 - (c) may include incidental, supplementary, consequential, transitional or saving provision.
- (7) In this section—
 - “amend” includes repeal or revoke;
 - “enactment” includes—

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- (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978,
 - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
 - (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
 - (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;
- “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act or Measure of the National Assembly for Wales,
 - (c) an Act of the Scottish Parliament, or
 - (d) Northern Ireland legislation.

Commencement Information

- 11** S. 23(1) in force at Royal Assent for specified purposes and in force at 12.4.2019 for further specified purposes and s. 23(2)-(7) in force at Royal Assent, see s. 27(1)(b)(f)(2)(d)(3)
- 12** S. 23(1) in force at 13.8.2020 for specified purposes by S.I. 2020/792, reg. 2(h)

24 Notification requirements: transitional provisions

- (1) The amendments made by sections 12 and 13 apply in relation to notification requirements that apply to a person in respect of an offence committed, or a sentence or order imposed, before, on or after the commencement day.
- (2) The amendments made by sections 12 and 13 apply in relation to a person to whom the notification requirements apply whether the person became subject to those requirements before the commencement day or becomes so on or after the commencement day, subject as follows.
- (3) If the person has made an initial notification under section 47 of the Counter-Terrorism Act 2008 before the commencement day, the person must make a further such notification under that section of the information in subsection (2) of that section, as amended by section 12 of this Act.
- (4) So far as relating to the further notification mentioned in subsection (3), the reference in section 47(1) of the Counter-Terrorism Act 2008 to the period of three days beginning with the day on which the person was dealt with in respect of the offence is to be read—
 - (a) in the case of a person who has a sole or main residence in the United Kingdom, as a reference to the period of three months beginning with the commencement day;
 - (b) in the case of a person who does not have a sole or main residence in the United Kingdom, as a reference to the period of one week beginning with the commencement day.
- (5) The requirement imposed by subsection (3) to notify information under section 47(1) of the Counter-Terrorism Act 2008 within a period mentioned in subsection (4) of this section does not apply if the information is otherwise notified before the end of that period when a person complies with a duty imposed by—

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- (a) section 48 of that Act (notification of changes: general);
 - (b) section 48A of that Act (notification of changes: financial information and information about identification documents);
 - (c) section 49 of that Act (periodic re-notification).
- (6) For the purposes of section 54(1) of the Counter-Terrorism Act 2008 (offences relating to notification), references to compliance with section 47 are to be read as including references to compliance with that section as modified in accordance with subsections (3) and (4).
- (7) The amendment made by paragraph 51 of Schedule 4 does not apply in relation to a person whose intended date of departure is before the end of the period of 7 days beginning with the day on which the amendment comes into force.
- (8) In this section, “the commencement day” means the day on which section 12 comes into force.

25 Other transitional provisions

- (1) An amendment made by any of sections 1, 2, 3, 5 or 6 applies only in a case where every act or other event proof of which is required for conviction of the offence in question takes place on or after the day on which the amendment comes into force.
- (2) An amendment made by section 7^{F1}... applies only in relation to an offence committed on or after the day on which the amendment comes into force.
- (3) Except as otherwise provided by subsection (4), an amendment made by section 9 or 10, or by Part 1 of Schedule 4, applies in relation to a person sentenced for an offence on or after the day on which the amendment comes into force, whether the offence was committed before that day or on or after it.
- (4) The amendments made by section 9 and Part 1 of Schedule 4, so far as they have effect for the purposes of the following provisions, apply only in relation to a person sentenced for an offence committed on or after the day on which they come into force—
- (a) sections 225(1)(a) and 226(1)(a) of the Criminal Justice Act 2003, and
 - (b) sections 219(1)(b) and 221(1)(b) of the Armed Forces Act 2006.
- (5) An amendment made by section 11 or Part 2 of Schedule 4 applies only in relation to a person sentenced for an offence committed on or after the day on which the amendment comes into force.
- (6) An amendment made by section 14 applies in relation to an offence or conduct whether committed or occurring before the day on which the amendment comes into force or on or after that day.
- (7) An amendment made by the following provisions of Schedule 2 applies only in respect of a national security determination made or renewed on or after the day on which the amendment comes into force—
- (a) paragraph 3(4);
 - (b) paragraph 7(4);
 - (c) paragraph 10(4);
 - (d) paragraph 13(4);
 - (e) paragraph 16(4);

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- (f) paragraph 19.
- (8) For the purposes of subsection (7)—
 - (a) it does not matter whether the material to which the determination relates was taken or provided, or was derived from material taken or provided, before the day on which the amendment comes into force or on or after that day;
 - (b) the reference to the renewal of a determination on or after that day includes a reference to the renewal of a determination that was first made before that day.
- (9) The powers conferred by Schedule 3 are exercisable in relation to a hostile act whether carried out before the day on which that Schedule comes into force or on or after that day.

Textual Amendments

- F1** Words in s. 25(2) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 5](#)

26 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, except as otherwise provided by subsections (2) to (6).
- (2) Section 9 extends to England and Wales only.
- (3) Section 10 extends to Scotland only.
- (4) Section 11 extends to Northern Ireland only.
- (5) The following provisions extend to England and Wales and Scotland only—
 - (a) section 15;
 - (b) section 20;
 - (c) section 21.
- (6) An amendment or repeal made by Schedule 2 or 4 has the same extent as the provision amended or repealed.
- (7) The power under section 338(1) of the Criminal Justice Act 2003 (extension to the Channel Islands or the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.
- (8) The power under section 39(6) of the Terrorism Act 2006 (extension to the Channel Islands or the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.
- (9) The power under section 31(4) of the Terrorism Prevention and Investigation Measures Act 2011 (extension to the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.

27 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
 - (a) section 21;
 - (b) section 23(2) to (7);

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- (c) section 26;
 - (d) this section;
 - (e) section 28;
 - (f) paragraph 19 of Schedule 4 and section 23(1) so far as relating to that paragraph;
 - (g) any other provision of this Act so far as necessary for enabling the exercise on or after the day on which this Act is passed of any power under Schedule 3 to make regulations or to issue codes of practice.
- (2) The following provisions come into force on such day or days as the Secretary of State may by regulations appoint—
- (a) sections 16, 17 and 18;
 - (b) section 19 and Schedule 2;
 - (c) section 22 and Schedule 3 (so far as not brought into force by subsection (1)(g) of this section);
 - (d) paragraphs 17 and 18, 20 to 26 and 28 to 33 of Schedule 4 and section 23(1) so far as relating to those paragraphs.
- (3) The other provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) Regulations under this section are to be made by statutory instrument.

28 Short title

This Act may be cited as the Counter-Terrorism and Border Security Act 2019.

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