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**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

Section 23

#### 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 49 (restrictions on reports of proceedings in which children or young persons are concerned)—
- (a) in subsection (6)—
    - (i) omit “or” at the end of paragraph (b);
    - (ii) after paragraph (b) insert—
      - “(ba) a terrorism offence, or”;
  - (b) in subsection (11), after the definition of “specified” insert—
    - ““terrorism offence” means an offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003;”.

###### *Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In the Parliamentary Commissioner Act 1967, in section 5 (matters subject to investigation), in subsection (1B)(b) for “or violent” substitute “ , violent or terrorism ”.

###### *Bail Act 1976 (c. 63)*

- 3 (1) The Bail Act 1976 is amended as follows.
- (2) In section 2 (interpretation), in subsection (2), after the definition of “surrender to custody” insert—
  - ““terrorism offence” means an offence specified in Part 3 of Schedule 15 to the Criminal Justice Act 2003;”.
- (3) In section 3AA (conditions for the imposition of electronic monitoring requirements on children and young persons other than in extradition proceedings), in subsection (3)(a) for “or sexual” substitute “ , sexual or terrorism ”.
- (4) In section 3AAA (conditions for the imposition of electronic monitoring requirements on children and young persons in extradition proceedings), in subsection (3)(a) for “or sexual” substitute “ , sexual or terrorism ”.

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*Repatriation of Prisoners Act 1984 (c. 47)*

- 4 In the Repatriation of Prisoners Act 1984, in the Schedule (operation of certain enactments in relation to prisoners to whom the Act applies), in paragraph 2(3A) for “or sexual” substitute “ , sexual or terrorism ”.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 5 In the Police and Criminal Evidence Act 1984, in section 38 (duties of custody officer after charge), in subsection (6A)—
  - (a) after the definition of “sexual offence” insert—
    - ““terrorism offence” means an offence specified in Part 3 of that Schedule;”;
  - (b) in the closing words, for “or sexual” substitute “ , sexual or terrorism ”.

*Road Traffic Offenders Act 1988 (c. 53)*

- 6 In the Road Traffic Offenders Act 1988, in section 35A (extension of disqualification where custodial sentence also imposed), in subsection (4)—
  - (a) in paragraph (e), for “or sexual” substitute “ , sexual or terrorism ”;
  - (b) in paragraph (f), for “or sexual” substitute “ , sexual or terrorism ”.

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

F17 .....

|   |   |
|---|---|
| <b>Textual Amendments</b>                     |   |
| <b>F1</b>                                     | Sch. 4 para. 7 repealed (1.12.2020) by <a href="#">Sentencing Act 2020 (c. 17)</a> , s. 416(1), <b>Sch. 28</b> (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2  |
| <b>Modifications etc. (not altering text)</b> |   |
| <b>C1</b>                                     | Sch. 4 para. 7 modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by <a href="#">Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9)</a> , <b>ss. 1, 5(2)(3)</b> ; S.I. 2012/1236, reg. 2 |

*Licensing Act 2003 (c. 17)*

- 8 In the Licensing Act 2003, in Schedule 4 (personal licence: relevant offences), after paragraph 19A insert—
  - “19B An offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).”

*Criminal Justice Act 2003 (c. 44)*

- 9 (1) The Criminal Justice Act 2003 is amended as follows.
  - (2) In Schedule 15 (specified offences for the purposes of certain sentencing provisions in Chapter 5 of Part 12, relating to dangerous offenders), in Part 1 (specified violent offences) omit the following paragraphs (which mention terrorism offences that appear in the new Part 3, to be inserted by section 9 of this Act)—

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- (a) paragraph 59A;
- (b) paragraph 59B;
- (c) paragraph 59C;
- (d) paragraph 59D;
- (e) paragraph 60A;
- (f) paragraph 60B;
- (g) paragraph 60C;
- (h) paragraph 63B;
- (i) paragraph 63C;
- (j) paragraph 63D;
- (k) paragraph 63E;
- (l) paragraph 63F.

<sup>F2</sup>(3) .....

**Textual Amendments**

**F2** Sch. 4 para. 9(3) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**Modifications etc. (not altering text)**

**C2** Sch. 4 para. 9(3) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3); S.I. 2012/1236, reg. 2

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

10 In the following provisions of the Domestic Violence, Crime and Victims Act 2004 (which relate to duties of local probation boards in connection with victims of sexual or violent offences), for “or violent” substitute “ , violent or terrorism ”

- (a) section 35(1)(a);
- (b) section 36(2);
- (c) section 39(1)(a);
- (d) section 42(1)(a);
- (e) section 45(2).

*Armed Forces Act 2006 (c. 52)*

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

(2) In section 219A (extended sentence for certain violent or sexual offenders aged 18 or over)—

- (a) in the heading, for “or sexual” substitute “ , sexual or terrorism ”;
- (b) in subsection (5)(d), after “specified sexual offence” (in both places) insert “ or a specified terrorism offence ”;
- (c) in subsection (6), after “ “specified sexual offence”” insert “ , “specified terrorism offence” ”.

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- (3) In section 221A (extended sentence for certain violent or sexual offenders aged under 18)—
- (a) in the heading, for “or sexual” substitute “, sexual or terrorism”;
  - (b) in subsection (3)(d), after “specified sexual offence” (in both places) insert “ or a specified terrorism offence”;
  - (c) in subsection (4), after “ “specified sexual offence”” insert “, “specified terrorism offence””.

*Coroners and Justice Act 2009 (c. 25)*

- 12 (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In section 126 (determination of tariffs etc), in subsection (2)—
- (a) in paragraph (c), for “or sexual” substitute “, sexual or terrorism”;
  - (b) in paragraph (d), for “or sexual” substitute “, sexual or terrorism”.
- (3) Omit section 138 (which inserted certain terrorism offences into Part 1 of Schedule 15 to the Criminal Justice Act 2003).

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

- 13 (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In section 94 (requirements for electronic monitoring)—
- (a) in subsection (4)(a) for “or sexual” substitute “, sexual or terrorism”;
  - (b) in subsection (8), after the definition of “sexual offence” insert—
 

““terrorism offence” means an offence specified in Part 3 of Schedule 15 to the Criminal Justice Act 2003;”.
- (3) In section 95 (requirements for electronic monitoring: extradition cases), in subsection (4)(a) for “or sexual” substitute “, sexual or terrorism”.
- (4) In section 98 (first set of conditions for a remand to youth detention accommodation), in subsection (3)(a) for “or sexual” substitute “, sexual or terrorism”.
- (5) In section 100 (first set of conditions for a remand to youth detention accommodation: extradition cases), in subsection (3)(a) for “or sexual” substitute “, sexual or terrorism”.
- (6) In section 107 (interpretation of Chapter 3), in subsection (1), after the definition of “sexual offence” insert—
 

““terrorism offence” has the meaning given by section 94(8);”.
- (7) In Schedule 21 (abolition of certain sentences for dangerous offenders and new extended sentences: consequential and transitory), in paragraph 36—
- (a) in sub-paragraph (2) for “or sexual” substitute “, sexual or terrorism”;
  - (b) in sub-paragraph (3) for “or sexual” substitute “, sexual or terrorism”.

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## 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 2 (specified offences for the purposes of certain sentencing provisions in Chapter 3, relating to dangerous offenders), in Part 1, omit the following paragraphs (which mention terrorism offences that appear in the new Part 3, to be inserted by section 11)—
- (a) paragraph 27A;
  - (b) paragraph 28A;
  - (c) paragraph 31A.

#### *Coroners and Justice Act 2009 (c. 25)*

- 15 In section 139 of the Coroners and Justice Act 2009 (which inserted certain terrorism offences into Schedules 1 and 2 to the Criminal Justice (Northern Ireland) Order 2008), omit subsections (5) to (8).

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

- 16 (1) Section 55 of the Justice Act (Northern Ireland) 2015 (violent offences prevention orders) is amended as follows.
- (2) In subsection (3), at the end insert “ or a relevant terrorism offence ”.
- (3) After subsection (3) insert—
- “(3A) In subsection (3), “relevant terrorism offence” means an offence under—
- (a) section 54 of the Terrorism Act 2000 (weapons training);
  - (b) section 56 of that Act (directing a terrorist organisation);
  - (c) section 57 of that Act (possession of article for terrorist purposes);
  - (d) section 59 of that Act (inciting terrorism overseas);
  - (e) section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons);
  - (f) section 50 of that Act (assisting or inducing certain weapons-related acts overseas);
  - (g) section 113 of that Act (use of noxious substance or thing to cause harm or intimidate);
  - (h) section 5 of the Terrorism Act 2006 (preparation of terrorist acts);
  - (i) section 6 of that Act (training for terrorism);
  - (j) section 9 of that Act (making or possession of radioactive device or material);
  - (k) section 10 of that Act (misuse of radioactive device or material for terrorist purposes etc);
  - (l) section 11 of that Act (terrorist threats relating to radioactive devices etc).”
- (4) In subsection (4), for “that Part” substitute “ Part 1 of Schedule 2 to the 2008 Order ”.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4. (See end of Document for details)*

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### 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 1933 (attendance at court of parent of child or young person charged with an offence), after subsection (11) insert—

“(12) The reference in subsection (2) to a child or young person who is in police detention includes a reference to a child or young person who has been detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and in subsection (3) “arrest” includes such detention.”

#### Commencement Information

**II** Sch. 4 para. 17 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

##### *Police and Criminal Evidence Act 1984 (c. 60)*

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

(2) In section 51 (savings)—

- (a) omit “or” at the end of paragraph (b);
- (b) after that paragraph insert—

“(ba) the powers conferred by virtue of Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (powers of detention);”.

(3) In section 56 (right to have someone informed when arrested), in subsection (10) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.

(4) In section 58 (access to legal advice), in subsection (12) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.

(5) In section 61 (fingerprinting), in subsection (9)(b) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.

(6) In section 61A (impressions of footwear), in subsection (8)(a) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.

(7) In section 62 (intimate samples), after subsection (12) insert—

“(13) Nothing in this section applies to a person detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and subsection (1A) does not apply where the non-intimate samples mentioned in that subsection were taken under Part 2 of that Schedule.”

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- (8) In section 63 (other samples), in subsection (10) at the end insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (9) In section 63U (exclusion for certain regimes), after subsection (4) insert—
- “(4A) Sections 63D to 63T do not apply to material to which paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (destruction, retention and use of material) apply.”

#### Commencement Information

**I2** Sch. 4 para. 18 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

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

- 19 In section 8A of the Legal Aid (Scotland) Act 1986 (criminal advice and assistance: automatic availability in certain circumstances), in subsection (2) at the end insert—
- “(d) a person who is detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or
- (e) a person who is detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”

#### *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 is amended as follows.
- (2) In Article 51 (savings), after paragraph (b) insert—
- “(ba) the powers conferred by virtue of Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (powers of detention);”.
- (3) In Article 57 (right to have someone informed when arrested), in paragraph (10) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (4) In Article 59 (access to legal advice), in paragraph (12) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (5) In Article 61 (fingerprinting), in paragraph (9)(b) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (6) In Article 61A (impressions of footwear), in paragraph (8)(a) after “terrorism provisions” insert “ or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (7) In Article 62 (intimate samples), after paragraph (12) insert—
- “(13) Nothing in this Article applies to a person detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and paragraph (1A) does not apply where the non-intimate samples mentioned in that paragraph were taken under Part 2 of that Schedule.”

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- (8) In Article 63 (other samples), in paragraph (11) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.
- (9) In Article 63R (as inserted by Schedule 2 to the Criminal Justice Act (Northern Ireland) 2013 (c. 7 (N.I.))), after paragraph (4) insert—
- “(4A) Articles 63B to 63Q do not apply to material to which paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (destruction, retention and use of material) apply.”

#### Commencement Information

- I3** Sch. 4 para. 20(1) in force at 13.8.2020 for specified purposes by S.I. 2020/792, reg. 2(i)
- I4** Sch. 4 para. 20(2)-(8) in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

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

- 21 (1) For paragraph 3 of Schedule 4 to the Channel Tunnel (International Arrangements) Order 1993 substitute—
- “3 (1) The Terrorism Act 2000 is modified as follows.
- (2) Schedule 7 is modified in accordance with paragraphs (3) to (15).
- (3) In paragraph 1—
- (a) for sub-paragraph (2) substitute—
- “(2) In this Schedule, “port” includes a railway station or other place where—
- (a) persons embark or disembark, or
- (b) goods are loaded or unloaded,
- on or from a through train or shuttle train.”;
- (b) in sub-paragraph (3), for “ship or aircraft” substitute “through train or shuttle train”, in both places where it occurs.
- (4) In paragraph 2—
- (a) in sub-paragraph (2), omit—
- (i) in paragraph (a), “or in the border area”;
- (ii) in paragraph (b), “or in the area”;
- (iii) in paragraph (b), the words from “or Northern Ireland” to the end;
- (b) in sub-paragraph (3)—
- (i) for “ship or aircraft” substitute “through train or shuttle train”;
- (ii) omit “or Northern Ireland”, in both places where it occurs;
- (c) after sub-paragraph (3) insert—
- “(3A) An examination under sub-paragraph (1) may be commenced in a train during the period when it is a control area.”



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- (5) Omit paragraphs 3 and 4.
- (6) In paragraph 5, in the opening words, omit “or 3”.
- (7) In paragraph 6—
  - (a) in the opening words, omit “or 3”;
  - (b) in sub-paragraph (1), for “vehicle” substitute “ through train or shuttle train ”;
  - (c) in sub-paragraph (2), for “ship, aircraft or vehicle” substitute “ through train or shuttle train ”.
- (8) In paragraph 7, for “ship or aircraft” substitute “ through train or shuttle train ”, in each place where it occurs.
- (9) In paragraph 8—
  - (a) for “ship or aircraft” substitute “ through train or shuttle train ”, in each place where it occurs;
  - (b) omit sub-paragraph (2).
- (10) In paragraph 9—
  - (a) in sub-paragraph (2)—
    - (i) in paragraph (a) omit “or Northern Ireland”;
    - (ii) in paragraph (a) for “ship or vehicle” substitute “ through train or shuttle train ”;
    - (iii) omit paragraph (b);
  - (b) omit sub-paragraphs (2A) and (2B);
  - (c) in sub-paragraph (2C), omit paragraph (b);
  - (d) in sub-paragraph (4)—
    - (i) for “ship or aircraft” substitute “ through train or shuttle train ”;
    - (ii) omit paragraph (c).
- (11) Omit paragraph 12.
- (12) In paragraph 13—
  - (a) in sub-paragraph (1)—
    - (i) in the opening words, for “ships or aircraft” substitute “ through trains or shuttle trains ”;
    - (ii) in sub-paragraph (1)(a), for “United Kingdom” substitute “ Tunnel System ”;
  - (b) in sub-paragraph (2), for “ship or aircraft” substitute “ through train or shuttle train ”, in each place where it occurs.
- (13) For paragraph 14 substitute—
  - “14 (1) The Secretary of State may from time to time give written notice to persons operating international services designating all or any through trains as control areas while they are within any area in the United Kingdom specified in the notice or while they constitute a control zone.
  - (2) The Secretary of State may from time to time give written notice designating a control area—

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- (a) to the Concessionaires as respects any part of the tunnel system in the United Kingdom or of a control zone within the tunnel system in France or Belgium, or
  - (b) to any occupier or person concerned with the management of a terminal control point in the United Kingdom.
- (3) A notice under sub-paragraph (1) or (2) above may specify facilities to be provided and conditions and restrictions to be observed in a control area, and any persons to whom such a notice is given is to take all reasonable steps to secure that any such facilities, conditions or restrictions are provided or observed.”
- (14) Omit paragraphs 15, 16 and 17.
- (15) Omit the Table of Designated Ports.
- (16) In Schedule 14 (exercise of officers' powers), in paragraphs 5 and 6, after “this Act”, in each place where it occurs, insert “ or the Channel Tunnel (International Arrangements) Order 1993 ”.”
- (2) Nothing in sub-paragraph (1) affects the power in section 11 of the Channel Tunnel Act 1987 to revoke or amend any provision of the Order amended by that sub-paragraph.

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**Commencement Information**

**I5** Sch. 4 para. 21 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

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

- 22 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 18G (retention of samples etc: national security), in subsection (1)—
- (a) in paragraph (a) after “2000” insert “ or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”;
  - (b) in paragraph (b) after “2000” insert “ or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (3) In section 19C (sections 18 and 19 to 19AA: use of samples etc), in subsection (1)—
- (a) in paragraph (a) after “2000” insert “ or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”;
  - (b) in paragraph (b) after “2000” insert “ or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.

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**Commencement Information**

**I6** Sch. 4 para. 22 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

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*Terrorism Act 2000 (c. 11)*

- 23 (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 41 (arrest without warrant), in subsection (3)(b) after “Schedule 7” insert “, or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019,”.
- (3) In Schedule 8, in paragraph 20A(6) after paragraph (e) insert—
- “(ea) any of the fingerprints, data or samples obtained under or by virtue of paragraph 34 or 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019, or information derived from such samples,”.

**Commencement Information**

**I7** Sch. 4 para. 23 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 24 In section 3 of the Regulation of Investigatory Powers Act 2000 (lawful interception without an interception warrant), in subsection (3B) at the end insert “ or under paragraph 9 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security) ”.

**Commencement Information**

**I8** Sch. 4 para. 24 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*Postal Services Act 2000 (c. 26)*

- 25 In section 104 of the Postal Services Act 2000 (inviolability of mails), in subsection (3)—
- (a) omit “or” at the end of paragraph (d);
- (b) at the end of paragraph (e) insert “, or
- (f) a power conferred by paragraph 9 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security).”

**Commencement Information**

**I9** Sch. 4 para. 25 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*Counter-Terrorism Act 2008 (c. 28)*

- 26 In section 18 of the Counter-Terrorism Act 2008 (destruction of national security material not subject to existing statutory restrictions), in subsection (8) after paragraph (j) insert—
- “(k) paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”

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**Commencement Information**

**I10** Sch. 4 para. 26 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*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 Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011—
- (a) the words from “to whom” to the end become paragraph (a), and
  - (b) at the end of that paragraph insert “, or
    - (b) who is detained—
      - (i) under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or
      - (ii) under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”
- (2) Nothing in sub-paragraph (1) affects any power under the Legal Aid (Scotland) Act 1986 to revoke or amend any provision of the regulations amended by that sub-paragraph.

*Terrorism Prevention and Investigation Measures Act 2011 (c. 23)*

- 28 In Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (fingerprints and samples), in paragraph 5, after sub-paragraph (d) insert—
- “(da) any fingerprints or samples taken under paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 or any information derived from such a sample,
  - (db) any relevant physical data taken or provided by virtue of paragraph 42 of that Schedule, any samples taken by virtue of that paragraph or any information derived from such a sample.”

**Commencement Information**

**I11** Sch. 4 para. 28 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*Protection of Freedoms Act 2012 (c. 9)*

- 29 In section 20 of the Protection of Freedoms Act 2012 (function of the Commissioner for the Retention and Use of Biometric Material to keep under review national security determinations)—
- (a) in subsection (2), in paragraph (a) after sub-paragraph (iv) insert—
    - “(iva) paragraph 46 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”;
  - (b) in subsection (6), after paragraph (d) insert—
    - “(e) the retention and use in accordance with paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 of—

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- (i) any material to which paragraph 43 or 49 of that Schedule applies (fingerprints, relevant physical data, DNA profiles and samples), and
  - (ii) any copies of any material to which paragraph 43 of that Schedule applies (fingerprints, relevant physical data and DNA profiles).”;
- (c) in subsection (8)—
- (i) omit “and” at the end of paragraph (a);
  - (ii) at the end of (b) insert “, and
  - (c) the reference in subsection (6)(e) to use of material, or copies of material, in accordance with paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 includes a reference to use of material, or copies of material, in accordance with section 19C(2)(c) and (d) of the Criminal Procedure (Scotland) Act 1995.”

**Commencement Information**

**I12** Sch. 4 para. 29 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)*

- 30 (1) In the Criminal Legal Aid (General) Regulations 2013, in regulation 12(2) (prescribed conditions)—
- (a) omit “or” at the end of paragraph (j);
  - (b) at the end of paragraph (k) insert “, or
  - (l) be detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”
- (2) Nothing in sub-paragraph (1) affects any power under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to revoke or amend any provision of the regulations amended by that sub-paragraph.

**Commencement Information**

**I13** Sch. 4 para. 30 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*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) Regulations (Northern Ireland) 2015 (exceptions from requirement to make a determination in respect of an individual's financial resources), after sub-paragraph (a) insert—
- “(aa) is detained under Schedule 7 to the Terrorism Act 2000 or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;”.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4. (See end of Document for details)*

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- (2) Nothing in sub-paragraph (1) affects any power under the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) to revoke or amend any provision of the regulations amended by that sub-paragraph.

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**Commencement Information**

**I14** Sch. 4 para. 31 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*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) Order (Northern Ireland) 2015 (advice and assistance)—
- (a) for the title to Part 2 substitute “ Matters other than those relating to PACE, Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”;
  - (b) in the title to Part 3 after “matters” insert “ , Schedule 7 to the Terrorism Act 2000 matters or Schedule 3 to the Counter-Terrorism and Border Security Act 2019 matters ”;
  - (c) in note (1) to Table 1 in Part 3 (which refers to work relating to interviews conducted under the Police and Criminal Evidence (Northern Ireland) Order 1989), at the end insert “ , Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ”.
- (2) Nothing in sub-paragraph (1) affects any power under the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) to revoke or amend any provision of the Order amended by that sub-paragraph.

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**Commencement Information**

**I15** Sch. 4 para. 32 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

*Investigatory Powers Act 2016 (c. 25)*

- 33 In section 47 of the Investigatory Powers Act 2016 (postal services: interception for enforcement purposes), in subsection (2) at the end insert “ or under paragraph 9 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security) ”.

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**Commencement Information**

**I16** Sch. 4 para. 33 in force at 13.8.2020 by S.I. 2020/792, reg. 2(i)

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**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4. (See end of Document for details)

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## 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 1996 (power to order preparatory hearing), in subsection (6)(e), after “purposes of terrorism” insert “, eliciting information about armed forces etc, entering or remaining in a designated area”.

#### *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 list of provisions in subsection (2)(a), after the entry relating to section 57, 58 or 58A insert— “section 58B (entering or remaining in a designated area);”.
- 38 In section 118 (defences), in subsection (5)(a), after “58A,” insert “ 58B, ”.
- 39 In Schedule 14 (exercise of officers' powers), in paragraph 4 after sub-paragraph (2) insert—
- “(3) A person may be specified in an order under this paragraph only if the person exercises public functions (whether or not in the United Kingdom).”

#### *Counter-Terrorism Act 2008 (c. 28)*

- 40 The Counter-Terrorism Act 2008 is amended as follows.
- 41 In section 18E (sections 18 to 18E: supplementary provisions), in subsection (1), in paragraph (f) of the definition of “responsible officer”, for “Serious Organised Crime Agency”, in both places where it occurs, substitute “National Crime Agency”.
- 42 In section 27 (meaning of “terrorism offence”), in the list of provisions in subsection (1)(a), after the entry relating to sections 56 to 58A insert— “section 58B (entering or remaining in a designated area),”.
- 43 In section 40 (scheme of Part 4), in subsection (2)—
- (a) omit “and” at the end of paragraph (a);
  - (b) after paragraph (b) insert “, and
  - (c) warrants authorising entry and search of premises notified under this Part or where a person to whom the notification requirements apply resides or may be found.”
- 44 In section 41 (offences to which Part 4 applies: terrorism offences), in subsection (1)(a), in the entry relating to sections 56 to 61, after “purposes of terrorism” insert “, eliciting information about members of armed forces etc, entering or remaining in a designated area”.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4. (See end of Document for details)*

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- 45 In section 48 (notification of changes), in subsection (9) after “this section,”, in the second place it occurs, insert “ section 48A (notification of changes: financial information and information about identification documents), ”.
- 46 (1) Section 49 (periodic re-notification) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), after “change” insert “ : general ”;
- (b) after paragraph (b) insert—
- “(ba) section 48A (notification of changes: financial information and information about identification documents), ”.
- (3) In subsection (2), for “period referred to in that subsection” substitute “ applicable period. ”
- 47 In section 50 (method of notification and related matters), in subsection (1)—
- (a) in paragraph (b), after “change” insert “ : general ”;
- (b) after paragraph (b) insert—
- “(ba) section 48A (notification of changes: financial information and information about identification documents), ”.
- 48 (1) Section 54 (offences relating to notification) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
- (i) in the entry for section 48, after “changes” insert “ : general ”;
- (ii) after the entry for section 48 insert— “ section 48A (notification of changes: financial information and information about identification documents), ”;
- (b) in paragraph (b)—
- (i) in the entry for section 48, after “changes” insert “ : general ”;
- (ii) after the entry for section 48 insert— “ section 48A (notification of changes: financial information and information about identification documents), ”.
- (3) In subsection (4)(a)—
- (a) in the entry for section 48, after “changes” insert “ : general ”;
- (b) after the entry for section 48 insert— “ section 48A (notification of changes: financial information and information about identification documents), ”.
- 49 (1) Section 55 (effect of absence abroad) is amended as follows.
- (2) In subsection (5)—
- (a) in the opening words, for “Section 48” substitute “ Sections 48 and 48A ”;
- (b) in paragraph (a), for “applies” substitute “ apply ”;
- (c) in paragraph (b), for “does” substitute “ do ”.
- (3) In subsection (6), for “Section 48 does” substitute “ Sections 48 and 48A do ”.
- (4) In subsection (7), for “the period” substitute “ the applicable period ”.
- 50 In section 56 (notification on return after absence from UK), in subsection (1)(b)—
- (a) in sub-paragraph (ii), after “changes” insert “ : general ”;



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**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4. (See end of Document for details)

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- (b) after that sub-paragraph insert—
- “(ia) section 48A (notification of changes: financial information and information about identification documents),”.

*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) Regulations 2009—
- (a) in regulation 3 (notification of departure: requirement and content), in paragraph (1), omit “for a period of three days or more”;
- (b) in regulation 4 (notification of departure: timing), in paragraph (4), for “twenty-four” in each place substitute “ 12 ”;
- (c) in regulation 5 (notification of return), in paragraph (1), omit “for a period of three days or more”.
- (2) Nothing in sub-paragraph (1) affects the power in section 52 of the Counter-Terrorism Act 2008 to revoke or amend any provision of the regulations amended by that sub-paragraph.

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, SCHEDULE 4.