Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 5

RISK OF BEING DRAWN INTO TERRORISM

CHAPTER 2

SUPPORT ETC FOR PEOPLE VULNERABLE TO BEING DRAWN INTO TERRORISM

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 **[**[F1]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 **[**[F2]the data protection legislation**]**;

(b) a disclosure of any sensitive information.

[[F3](4A) "The data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).**]**

(5) "Sensitive information" means information—

(a) held by an intelligence service,

Changes to legislation: *Counter-Terrorism and Security Act 2015, Section 38 is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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 **[**[F4]and local authorities**]** in connection with section 36 includes, in particular, a chief officer's **[**[F5]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.

Textual Amendments

F1 Words in s. 38(1)(b) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 20(6)**, 27(3)

F2 Words in s. 38(4)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 189(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F3 S. 38(4A) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 189(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F4 Words in s. 38(8) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 20(7)(a)**, 27(3)

F5 Words in s. 38(8) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 20(7)(b)**, 27(3)

Commencement Information

I1 S. 38 in force at 12.4.2015, see s. 52(2)(a)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 31(1)(ba) inserted by 2023 c. 16 Sch. para. 15(2)(b)