



# 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

*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

**CHAPTER 4**

## MISCELLANEOUS

- 20 Persons vulnerable to being drawn into terrorism
- 21 Terrorism reinsurance

**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

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**SCHEDULES**

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

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

- 1 Police and Criminal Evidence Act 1984
- 2 (1) Section 63F (retention of section 63D material: persons arrested...
- 3 (1) Section 63M (retention of section 63D material for purposes...
- 4 After section 63P insert— Retention of further sets of fingerprints...
- 5 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 6 Criminal Procedure (Scotland) Act 1995
- 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...
- 9 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...
- 12 Counter-Terrorism Act 2008
- 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...
- 15 Terrorism Prevention and Investigation Measures Act 2011
- 16 (1) Paragraph 11 is amended as follows.
- 17 After paragraph 11 insert— (1) This paragraph applies where paragraph 6 material is or...
- 18 Protection of Freedoms Act 2012
- 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

- 1 Power to stop, question and detain
  - 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...
  - 7 Searches
  - 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...
  - 11 Retention of property
  - 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...
  - 17 Power to make and retain copies
  - 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...
  - 23 Offences
  - 24 Exercise of powers
- #### PART 2 — DETENTION
- 25 Place of detention
  - 26 Identification
  - 27 Video recording of interviews

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- 28 Status
- 29 Rights: England, Wales and Northern Ireland
- 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...
- 34 Fingerprints and samples: England, Wales and Northern Ireland
- 35 (1) Before fingerprints or a sample are taken from a...
- 36 (1) In the application of paragraphs 26, 34 and 35...
- 37 Rights: Scotland
- 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...
- 42 Fingerprints and samples: Scotland
- 43 Destruction and retention of fingerprints and samples etc: United Kingdom
- 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
- 52 General requirements
- 53 Representations
- 54 Rights
- 55 Record
- 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
- 58 Entry
- 59 Reasonable force
- 60 Information
- 61 Other police powers
- 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
- 1 Children and Young Persons Act 1933 (c. 12)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 Bail Act 1976 (c. 63)
- 4 Repatriation of Prisoners Act 1984 (c. 47)
- 5 Police and Criminal Evidence Act 1984 (c. 60)

- 6 Road Traffic Offenders Act 1988 (c. 53)
- 7 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 8 Licensing Act 2003 (c. 17)
- 9 Criminal Justice Act 2003 (c. 44)
- 10 Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 11 Armed Forces Act 2006 (c. 52)
- 12 Coroners and Justice Act 2009 (c. 25)
- 13 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)  
PART 2 — CONSEQUENTIAL AMENDMENTS RELATING TO SECTION 11
- 14 Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))
- 15 Coroners and Justice Act 2009 (c. 25)
- 16 Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))  
PART 3 — CONSEQUENTIAL AMENDMENTS RELATING TO PART 2
- 17 Children and Young Persons Act 1933 (c. 12)
- 18 Police and Criminal Evidence Act 1984 (c. 60)
- 19 Legal Aid (Scotland) Act 1986 (c. 47)
- 20 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 21 Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813)
- 22 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 23 Terrorism Act 2000 (c. 11)
- 24 Regulation of Investigatory Powers Act 2000 (c. 23)
- 25 Postal Services Act 2000 (c. 26)
- 26 Counter-Terrorism Act 2008 (c. 28)
- 27 Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (S.S.I. 2011/217)
- 28 Terrorism Prevention and Investigation Measures Act 2011 (c. 23)
- 29 Protection of Freedoms Act 2012 (c. 9)
- 30 Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)
- 31 Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 196)
- 32 Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 201)
- 33 Investigatory Powers Act 2016 (c. 25)  
PART 4 — OTHER MINOR AND CONSEQUENTIAL AMENDMENTS
- 34 Criminal Procedure and Investigations Act 1996 (c. 25)
- 35 Terrorism Act 2000 (c. 11)
- 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...
- 40 Counter-Terrorism Act 2008 (c. 28)
- 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),...

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