



# Counter-Terrorism and Security Act 2015

## 2015 CHAPTER 6

### PART 7

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **44**     **Reviews of operation of Part 1 etc**

- (1) The person appointed under section 36(1) of the Terrorism Act 2006 (“the independent reviewer”) is also responsible for reviewing the operation of the provisions listed in subsection (2).
- (2) The provisions are—
  - (a) Part 1 of the Anti-Terrorism, Crime and Security Act 2001;
  - (b) Part 2 of that Act as it applies in cases where a use or threat of the action referred to in section 4(2) of that Act would constitute terrorism;
  - (c) the Counter-Terrorism Act 2008;
  - (d) Part 1 of this Act.
- (3) In each calendar year the independent reviewer must, by 31 January, inform the Secretary of State and the Treasury what (if any) reviews under this section the reviewer intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.
- (4) The independent reviewer must send to the Secretary of State a report on the outcome of each review as soon as reasonably practicable after the review is completed.
- (5) On receiving a report under subsection (4), the Secretary of State must lay a copy of it before Parliament.
- (6) The expenses and allowances that may be paid under section 36(6) of the Terrorism Act 2006 include expenses and allowances in respect of functions under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (7) In this section “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).

#### **45 Reviews of operation of other terrorism legislation**

- (1) In section 36 of the Terrorism Act 2006 (review of terrorism legislation)—
- (a) in subsection (2), for “carry out a review of those provisions and,” substitute “carry out—
    - (a) a review of the provisions of the Terrorism Act 2000, and
    - (b) a review of the provisions of Part 1 of this Act,
 and,”;
  - (b) in subsection (4), for “subsection (2)” substitute “subsection (2)(a)”;
  - (c) after subsection (4B) insert—

“(4C) In each calendar year the person appointed under subsection (1) must, by 31 January, inform the Secretary of State what (if any) reviews under subsection (2)(b) the person intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.”

- (2) In section 31 of the Terrorist Asset-Freezing etc. Act 2010 (independent review of operation of Part 1 of that Act), for subsection (2) substitute—

“(2) In each calendar year the person appointed under subsection (1) must, by 31 January, inform the Treasury what (if any) reviews under this section the person intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.”

- (3) In section 20 of the Terrorism Prevention and Investigation Measures Act 2011 (reviews of the operation of that Act)—

- (a) for subsections (2) and (3) substitute—

“(2) In each calendar year the independent reviewer must, by 31 January, inform the Secretary of State what (if any) reviews under this section the reviewer intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.”;

- (b) omit subsections (7) to (9).

#### **46 Privacy and Civil Liberties Board**

- (1) The Secretary of State may by regulations made by statutory instrument establish a body to provide advice and assistance to the persons appointed under—

- (a) section 36(1) of the Terrorism Act 2006,
- (b) section 31(1) of the Terrorist Asset-Freezing etc. Act 2010, and
- (c) section 20(1) of the Terrorism Prevention and Investigation Measures Act 2011,

in the discharge of their functions.

- (2) The body is to be known as the Privacy and Civil Liberties Board.
- (3) Regulations under this section may include provision about—
  - (a) the membership of the board;
  - (b) the payment of expenses and allowances to members;
  - (c) the circumstances in which a person ceases to be a member;
  - (d) the appointment of staff, their terms and conditions of employment and their pensions, allowances or gratuities;
  - (e) the organisation and procedure of the board;
  - (f) particular things that the board may or must do;
  - (g) the preparation and publication of reports and accounts.
- (4) Regulations under this section must—
  - (a) provide for the Secretary of State to appoint members of the board after considering any recommendations made by the person appointed under section 36(1) of the Terrorism Act 2006;
  - (b) provide for the board to be chaired by that person and to be subject to his or her direction and control.
- (5) Regulations under this section may contain incidental, consequential, transitional or supplementary provision.

This includes provision amending, applying (with or without modifications), disapplying, repealing or revoking any provision of primary legislation, whenever passed or made.
- (6) A statutory instrument—
  - (a) containing the first regulations under this section, or
  - (b) containing any regulations under this section that amend, repeal or revoke anything in primary legislation (whether alone or with other provision),may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (7) A statutory instrument containing regulations under this section to which subsection (6) does not apply is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “primary legislation” has the same meaning as in section 48.

#### **47 Review of certain naturalisation decisions by Special Immigration Appeals Commission**

In section 2D of the Special Immigration Appeals Commission Act 1997 (jurisdiction: review of certain naturalisation and citizenship decisions), in subsection (1)(a)(i), after “6” insert “or 18”.

#### *General*

#### **48 Power to make consequential provision**

- (1) The Secretary of State may by regulations make provision that is consequential on any provision of this Act.

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- (2) The power to make regulations under this section—
  - (a) is exercisable by statutory instrument;
  - (b) includes power to make transitional, transitory or saving provision;
  - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under primary legislation passed before this Act or in the same Session.
- (3) Before making regulations under this section the Secretary of State must—
  - (a) if the regulations contain provision that would fall within the legislative competence of the Scottish Parliament if included in an Act of that Parliament, consult the Scottish Ministers;
  - (b) if the regulations contain provision that would fall within the legislative competence of the National Assembly for Wales if included in an Act of that Assembly, consult the Welsh Ministers;
  - (c) if the regulations contain provision that would fall within the legislative competence of the Northern Ireland Assembly if included in an Act of that Assembly, consult the Department of Justice in Northern Ireland.
- (4) A statutory instrument containing regulations under this section that amend, repeal or revoke anything in primary legislation (whether alone or with other provision) may be made only if a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “primary legislation” means—
  - (a) an Act of Parliament;
  - (b) an Act of the Scottish Parliament;
  - (c) a Measure or Act of the National Assembly for Wales;
  - (d) Northern Ireland legislation.

#### **49 Transitional provision**

- (1) In relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in section 10(5)(b) to 12 months is to be read as a reference to 6 months.
- (2) In relation to offences committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force—
  - (a) the reference in section 10(5)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum;
  - (b) paragraph 15(3)(b) of Schedule 1 has effect as if the words “in Scotland or Northern Ireland” were omitted.
- (3) The amendments made by subsections (3) and (4) of section 17 apply only to things done and offences committed after that section comes into force.
- (4) A reference to a calendar year in the following subsections does not include a year before 2016—
  - (a) subsection (3) of section 44;

- (b) subsection (4C) of section 36 of the Terrorism Act 2006 (inserted by section 45(1) above);
- (c) subsection (2) of section 31 of the Terrorist Asset-Freezing etc. Act 2010 (substituted by section 45(2) above);
- (d) subsection (2) of section 20 of the Terrorism Prevention and Investigation Measures Act 2011 (substituted by section 45(3) above).

## **50 Financial provision**

There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.

## **51 Extent**

- (1) Part 5 extends to England and Wales and Scotland.
- (2) The other provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (3) Her Majesty may by Order in Council direct that any of the provisions of Parts 1 and 4 are to extend, with whatever modifications appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.
- (4) 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.
- (5) 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.
- (6) The power under section 39(3) of the Aviation Security Act 1982 (extension to the Channel Islands, Isle of Man etc) may be exercised in relation to any amendments made to that Act by this Act.
- (7) The power under section 51(1) of the Aviation and Maritime Security Act 1990 (extension to the Channel Islands, Isle of Man etc) may be exercised in relation to any amendments made to that Act by this Act.
- (8) The power under section 9(3) of the Special Immigration Appeals Commission Act 1997 (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.

## **52 Commencement**

- (1) Chapter 1 of Part 1 comes into force on the day after the day on which this Act is passed.
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) sections 36 to 38 and 40;
  - (b) sections 44 to 46.

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- (3) The following provisions come into force on whatever day or days the Secretary of State appoints by regulations made by statutory instrument—
- (a) Part 3;
  - (b) section 22(10);
  - (c) paragraphs 12 to 14 of Schedule 5 and section 25 so far as relating to those paragraphs;
  - (d) sections 26 and 30, section 31(2) and (4) and sections 32 to 34.
- (4) Regulations under subsection (3)—
- (a) may make different provision for different purposes;
  - (b) may make transitory, transitional or saving provision.
- (5) The other provisions of this Act come into force on the day on which this Act is passed.

### **53 Short title**

This Act may be cited as the Counter-Terrorism and Security Act 2015.