



Counter-Terrorism and Border Security Bill 2018

Overarching Fact Sheet

What are we going to do?

- Update terrorism offences for the digital age, and to reflect contemporary patterns of radicalisation.
- Disrupt terrorism by enabling the police and Crown Prosecution Service to intervene at an earlier stage in investigations.
- Ensure that sentences properly reflect the severity seriousness of terrorism offences, and strengthen the ability of the police to manage terrorist offenders after their release.
- Strengthen the country's defences at the border against all forms of hostile state activity.

Key quote

"This Bill will ensure that the police, Security Service, prosecutors and the judiciary have the powers they need to tackle the evolving threat posed to the UK by terrorism and hostile state activity, in order to keep the public safe and to protect our National Security."

**Rt Hon Ben Wallace MP,
Minister of State for Security and
Economic Crime**

How are we going to do it?

The Bill will:

- Amend the offence of collecting information likely to be useful to a terrorist (section 58 of the Terrorism Act 2000 ("the 2000 Act")) to cover the repeated viewing or streaming of material online.
- Extend the offence of inviting support for a proscribed organisation (section 12 of the 2000 Act) to cover expressions of support that are reckless as to whether they will encourage others to support the organisation.
- Update the offence of publishing an image displaying a flag, emblem or other such symbol of a proscribed organisation (section 13 of the 2000 Act) so that the criminal law expressly covers displays online.
- Amend the offences of encouragement of terrorism (section 1 of the Terrorism Act 2006 ("the 2006 Act")) and dissemination of terrorist publications (section 2 of the 2006 Act) so that they apply in cases where the conduct is directed at a child or vulnerable adult who may not understand what they are being encouraged to do.
- Extend extra-territorial jurisdiction so that it applies to further terrorism offences. This will ensure that individuals linked to the UK can be prosecuted for having encouraged or carried out acts of terror overseas in the same way as if they had committed these offences in the UK.
- Increase the maximum sentences to 15 years for certain preparatory terrorism offences, namely: collecting terrorist information (section 58 of the 2000 Act); eliciting, communicating or publishing information that is likely to be useful to a terrorist about a member of the armed forces, police or intelligence services (section 58A of the 2000 Act); encouragement of terrorism (section 1 of the Terrorism Act 2006); and dissemination of terrorist publications (section 2 of the 2006 Act).



How are we going to do it?

- Bring preparatory terrorism offences within the scope of extended determinate sentences and sentences for offenders of particular concern provided for in the Criminal Justice Act 2003, and make analogous provision for Scotland and Northern Ireland.
- Extend to Northern Ireland the provision, in section 30 of the Counter-Terrorism Act 2008, which requires a court when sentencing a person for a specified non-terrorist offence, to treat a terrorist connection as an aggravating factor. The Bill will also add the offence of wounding with intent (section 18 of the Offences against the Person Act 1861) and certain offences in Scotland and Northern Ireland to the list of specified trigger offences.
- Strengthen the terrorist offender notification requirements (including to align them more closely with the requirements on registered sex offenders) and extend the notification requirements to persons convicted in Northern Ireland of an offence with a terrorist connection.
- Add terrorism offences to the list of specified offences where courts must consider an application for a Serious Crime Prevention Order.
- Introduce a statutory bar on the admissibility as criminal evidence of oral admissions made in an examination at a port under Schedule 7 to the 2000 Act.
- Provide for the detention clock for persons arrested or detained under the 2000 Act to be paused if the arrestee/detainee is transferred to hospital.
- Amend the regime governing the retention of fingerprints and DNA, including by increasing from two to five years the maximum period such material may be retained on national security grounds in a case where a person has not been convicted of an offence.
- Amend the regime governing Anti-Terrorism Traffic Regulation Orders (“ATTROs”), including by removing the requirement for an ATTRO to be advertised where to do so would frustrate the purpose of the order. An ATTRO helps to keep people safe from the threat of terrorism by enabling protective security measures to be put in place to reduce vulnerability to, or mitigate the impact of, terrorist attacks on or near roads.
- Enable local authorities, as well as the police, to refer persons at risk of being drawn into terrorism to local (“Channel”) panels. A Channel panel helps to deliver the aims of the Prevent strategy by ensuring that individuals who are identified as being at risk of being drawn into terrorism are given appropriate advice and support so that they may turn away from radicalisation.
- Amend the Reinsurance (Acts of Terrorism) Act 1993 so that the government-backed terrorism reinsurer, Pool Re, can extend its business interruption cover to include losses that are not contingent on physical damage to property.
- Confer power on examining officers (that is, police constables and designated immigration and customs officers) to stop, question, search and detain persons at a port or border area for the purpose of determining whether they are, or have been, involved in hostile state activity.



Background

- In 2017 the UK was subject to five terrorist attacks in London and Manchester which killed 36 innocent victims and injured many more. Since the Westminster attack in March 2017 the police and security services have thwarted a further 12 Islamist terror plots. The terrorist threat is rapidly evolving, with much radicalisation taking place online. The operational pace for the police and Security Service is much faster than seen before.
- On 4 June 2017, following the London Bridge attack, the Prime Minister [announced](#) that there would be a review of the Government's counter-terrorism strategy (CONTEST) "to make sure the police and security services have all the powers they need". The strengthened strategy, published in June 2018, sets out how we will build on the UK's formidable capabilities, experience and expertise to tackle the growing and changing threat from terrorism in all its forms. The provisions in the Bill will underpin our approach, ensuring the police and prosecutors have the powers they need to enable intervention at an earlier stage in investigations, leading to more prosecutions for terrorism offences, backed up by longer prison sentences and stronger management of terrorist offenders after their release.
- We are living in a period where the UK and our international partners also face sustained hostile activity from certain states. On 4 March 2018, Sergei and Yulia Skripal were poisoned in Salisbury using a military-grade nerve agent of a type developed by Russia. Following this, in a statement to the House of Commons on 26 March 2018, the Prime Minister announced that the Government was developing legislative powers to harden the country's defences against all forms of hostile state activity. The National Security Capability Review made a commitment to "develop proposals for powers to stop, question, search and detain individuals at the UK border to determine whether they have been involved in matters that threaten our national security".

Are these measures just in response to the five attacks in 2017?

- Prior to the attacks last year the Government was reviewing its approach to counter-terrorism. As the threat we face from terrorism becomes more complex, our strategy needs to evolve with it. The Bill contains considered measures which will ensure that the police and security services have the powers they need, and that the prison sentences for those found guilty of terror offences are sufficient to keep us all safe.

There is already a lot of terrorism legislation and a large number of disruptive powers – do we need more?

- It is important that as the terrorist threat and the nature of radicalisation evolves so must our response. Operational experience has shown that there are gaps in legislation which could usefully be addressed to ensure that we retain a robust framework of law which enables the police and prosecutors to respond effectively to current threats. The Bill builds on the existing legislative



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framework rather than creating wholly new counter-terrorism powers.

How much will these measures cost?

- The Impact Assessment published alongside the Bill indicates that over a 10-year period, these changes would cost £49.8m.
- These measures could, however, result in averting a successful terrorist attack against a UK. Such an attack would have a huge impact in terms of lives lost, injuries suffered, damaged property and lost output. These changes are therefore expected to have a positive net benefit to society.

Will these measures apply across the United Kingdom?

- Counter-terrorism and national security are reserved matters. As such, the majority of the provisions in the Bill will apply UK-wide. The changes relating to ATTROs, referrals to Channel panels and terrorism reinsurance apply to England, Wales and Scotland only, in line with the existing legislation.

Key facts

- The independent Joint Terrorism Analysis Centre (JTAC) has set the current threat level at SEVERE or higher since 29 August 2014. This means an attack is highly likely.
- Since the murder of Fusilier Lee Rigby, in May 2013, 25 terrorist attacks in the UK have been foiled.