



Home Office

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

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Rt Hon Harriet Harman MP  
Chair, Joint Committee on Human Rights  
House of Commons  
London  
SW1A 0AA

6 June 2018

Dear Harriet,

### **Counter-Terrorism and Border Security Bill**

As you will have seen, the Counter-Terrorism and Border Security Bill was introduced in the House of Commons today.

Following the terrorist attacks in London and Manchester last year, the Bill is designed to enhance the powers available to protect our communities from the ongoing heightened terrorist threat. To this end, measures in the Bill include updating a number of terrorism offences to respond to the evolving terrorist threat and to close a number of gaps in the law, allowing more effective earlier intervention with prosecutions for preparatory terrorism offences, and ensuring that the law properly covers modern online behaviour and patterns of radicalisation. The Bill will strengthen the sentencing framework to ensure that offenders are appropriately sentenced, and that the police are better able to manage individuals convicted of a terrorism offence on their release.

The Bill also gives effect to two recommendations by the former Independent Reviewer of Terrorism Legislation, David Anderson Q.C. These relate to the admissibility of information given orally during an examination under Schedule 7 to the Terrorism Act 2000 in subsequent criminal proceedings, and enabling police to stop the 'detention clock' whilst a suspect arrested or detained under the Terrorism Act 2000 receives hospital treatment (thereby bringing the 2000 Act into line with the provisions of the Police and Criminal Evidence Act 1984).

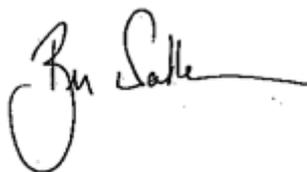
In addition, the Bill also provides for a new power to stop, search, question and detain an individual at a port or border area in order to determine if they are, or have been, engaged in hostile state activity. This comes in response to the poisoning of Sergei and Yulia Skripal in Salisbury on 4 March 2018, following which the Prime Minister announced that the Government would introduce new powers to harden the United Kingdom's defences at the border against all forms of hostile state activity.

In legislating for this new ports power we are again giving effect to a recommendation by David Anderson who said at paragraph 10.16 of his 2016 Annual Report –

“If there is a national security need to extend the scope of the [Schedule 7] power so that it can be used to determine whether a port user is engaged in espionage or proliferation, consideration should be given to doing so.”

A summary of all the provisions in the Bill can be found in the attached Overarching Fact Sheet. I also attach a memorandum which sets out our ECHR analysis of the Bill.

As with any Bill which covers terrorism and national security-related powers, I am sure that the Committee will wish to scrutinise the Bill carefully. I stand ready to respond to questions that the Committee may have. To ensure a prompt response, it would be helpful if any correspondence from you could be copied to the Bill Manager (Charles Goldie, email: [Charles.Goldie1@homeoffice.gsi.gov.uk](mailto:Charles.Goldie1@homeoffice.gsi.gov.uk), tel: 020 7035 6773). If it would be helpful to you, my departmental lawyers would be happy to meet with your legal advisers to discuss the Bill.

A handwritten signature in black ink, appearing to read 'Ben Wallace', with a long horizontal flourish extending to the right.

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