

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

Children and Young Persons Act 1933 (c. 12)

17 In section 34 of the Children and Young Persons Act 1933 (attendance at court of parent of child or young person charged with an offence), after subsection (11) insert—

“(12) The reference in subsection (2) to a child or young person who is in police detention includes a reference to a child or young person who has been detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and in subsection (3) “arrest” includes such detention.”

Police and Criminal Evidence Act 1984 (c. 60)

18 (1) The Police and Criminal Evidence Act 1984 is amended as follows.

(2) In section 51 (savings)—

(a) omit “or” at the end of paragraph (b);

(b) after that paragraph insert—

“(ba) the powers conferred by virtue of Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (powers of detention);”.

(3) In section 56 (right to have someone informed when arrested), in subsection (10) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(4) In section 58 (access to legal advice), in subsection (12) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(5) In section 61 (fingerprinting), in subsection (9)(b) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(6) In section 61A (impressions of footwear), in subsection (8)(a) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(7) In section 62 (intimate samples), after subsection (12) insert—

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“(13) Nothing in this section applies to a person detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and subsection (1A) does not apply where the non-intimate samples mentioned in that subsection were taken under Part 2 of that Schedule.”

(8) In section 63 (other samples), in subsection (10) at the end insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(9) In section 63U (exclusion for certain regimes), after subsection (4) insert—

“(4A) Sections 63D to 63T do not apply to material to which paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (destruction, retention and use of material) apply.”

Legal Aid (Scotland) Act 1986 (c. 47)

19 In section 8A of the Legal Aid (Scotland) Act 1986 (criminal advice and assistance: automatic availability in certain circumstances), in subsection (2) at the end insert—

“(d) a person who is detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or

(e) a person who is detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

20 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

(2) In Article 51 (savings), after paragraph (b) insert—

“(ba) the powers conferred by virtue of Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (powers of detention);”.

(3) In Article 57 (right to have someone informed when arrested), in paragraph (10) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(4) In Article 59 (access to legal advice), in paragraph (12) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(5) In Article 61 (fingerprinting), in paragraph (9)(b) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(6) In Article 61A (impressions of footwear), in paragraph (8)(a) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

(7) In Article 62 (intimate samples), after paragraph (12) insert—

“(13) Nothing in this Article applies to a person detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and paragraph (1A) does not apply where the non-intimate samples mentioned in that paragraph were taken under Part 2 of that Schedule.”

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- (8) In Article 63 (other samples), in paragraph (11) after “terrorism provisions” insert “or detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.
- (9) In Article 63R (as inserted by Schedule 2 to the [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7 \(N.I.\)\)](#)), after paragraph (4) insert—
- “(4A) Articles 63B to 63Q do not apply to material to which paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (destruction, retention and use of material) apply.”

Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813)

- 21 (1) For paragraph 3 of Schedule 4 to the Channel Tunnel (International Arrangements) Order 1993 substitute—
- “3 (1) The Terrorism Act 2000 is modified as follows.
- (2) Schedule 7 is modified in accordance with paragraphs (3) to (15).
- (3) In paragraph 1—
- (a) for sub-paragraph (2) substitute—
- “(2) In this Schedule, “port” includes a railway station or other place where—
- (a) persons embark or disembark, or
- (b) goods are loaded or unloaded,
- on or from a through train or shuttle train.”;
- (b) in sub-paragraph (3), for “ship or aircraft” substitute “through train or shuttle train”, in both places where it occurs.
- (4) In paragraph 2—
- (a) in sub-paragraph (2), omit—
- (i) in paragraph (a), “or in the border area”;
- (ii) in paragraph (b), “or in the area”;
- (iii) in paragraph (b), the words from “or Northern Ireland” to the end;
- (b) in sub-paragraph (3)—
- (i) for “ship or aircraft” substitute “through train or shuttle train”;
- (ii) omit “or Northern Ireland”, in both places where it occurs;
- (c) after sub-paragraph (3) insert—
- “(3A) An examination under sub-paragraph (1) may be commenced in a train during the period when it is a control area.”
- (5) Omit paragraphs 3 and 4.
- (6) In paragraph 5, in the opening words, omit “or 3”.
- (7) In paragraph 6—
- (a) in the opening words, omit “or 3”;

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- (b) in sub-paragraph (1), for “vehicle” substitute “through train or shuttle train”;
 - (c) in sub-paragraph (2), for “ship, aircraft or vehicle” substitute “through train or shuttle train”.
- (8) In paragraph 7, for “ship or aircraft” substitute “through train or shuttle train”, in each place where it occurs.
- (9) In paragraph 8—
- (a) for “ship or aircraft” substitute “through train or shuttle train”, in each place where it occurs;
 - (b) omit sub-paragraph (2).
- (10) In paragraph 9—
- (a) in sub-paragraph (2)—
 - (i) in paragraph (a) omit “or Northern Ireland”;
 - (ii) in paragraph (a) for “ship or vehicle” substitute “through train or shuttle train”;
 - (iii) omit paragraph (b);
 - (b) omit sub-paragraphs (2A) and (2B);
 - (c) in sub-paragraph (2C), omit paragraph (b);
 - (d) in sub-paragraph (4)—
 - (i) for “ship or aircraft” substitute “through train or shuttle train”;
 - (ii) omit paragraph (c).
- (11) Omit paragraph 12.
- (12) In paragraph 13—
- (a) in sub-paragraph (1)—
 - (i) in the opening words, for “ships or aircraft” substitute “through trains or shuttle trains”;
 - (ii) in sub-paragraph (1)(a), for “United Kingdom” substitute “Tunnel System”;
 - (b) in sub-paragraph (2), for “ship or aircraft” substitute “through train or shuttle train”, in each place where it occurs.
- (13) For paragraph 14 substitute—
- “14 (1) The Secretary of State may from time to time give written notice to persons operating international services designating all or any through trains as control areas while they are within any area in the United Kingdom specified in the notice or while they constitute a control zone.
- (2) The Secretary of State may from time to time give written notice designating a control area—
- (a) to the Concessionaires as respects any part of the tunnel system in the United Kingdom or of a control zone within the tunnel system in France or Belgium, or
- ”

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- (b) to any occupier or person concerned with the management of a terminal control point in the United Kingdom.
- (3) A notice under sub-paragraph (1) or (2) above may specify facilities to be provided and conditions and restrictions to be observed in a control area, and any persons to whom such a notice is given is to take all reasonable steps to secure that any such facilities, conditions or restrictions are provided or observed.”
- (14) Omit paragraphs 15, 16 and 17.
- (15) Omit the Table of Designated Ports.
- (16) In Schedule 14 (exercise of officers’ powers), in paragraphs 5 and 6, after “this Act”, in each place where it occurs, insert “or the Channel Tunnel (International Arrangements) Order 1993”.”
- (2) Nothing in sub-paragraph (1) affects the power in section 11 of the Channel Tunnel Act 1987 to revoke or amend any provision of the Order amended by that sub-paragraph.

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 22 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 18G (retention of samples etc: national security), in subsection (1)—
 - (a) in paragraph (a) after “2000” insert “or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”;
 - (b) in paragraph (b) after “2000” insert “or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.
 - (3) In section 19C (sections 18 and 19 to 19AA: use of samples etc), in subsection (1)—
 - (a) in paragraph (a) after “2000” insert “or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”;
 - (b) in paragraph (b) after “2000” insert “or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

Terrorism Act 2000 (c. 11)

- 23 (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 41 (arrest without warrant), in subsection (3)(b) after “Schedule 7” insert “, or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019,”.
 - (3) In Schedule 8, in paragraph 20A(6) after paragraph (e) insert—
 - “(ea) any of the fingerprints, data or samples obtained under or by virtue of paragraph 34 or 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019, or information derived from such samples,”.

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Regulation of Investigatory Powers Act 2000 (c. 23)

- 24 In section 3 of the Regulation of Investigatory Powers Act 2000 (lawful interception without an interception warrant), in subsection (3B) at the end insert “or under paragraph 9 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security)”.

Postal Services Act 2000 (c. 26)

- 25 In section 104 of the Postal Services Act 2000 (inviolability of mails), in subsection (3)—
- (a) omit “or” at the end of paragraph (d);
 - (b) at the end of paragraph (e) insert “, or
 - (f) a power conferred by paragraph 9 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security).”

Counter-Terrorism Act 2008 (c. 28)

- 26 In section 18 of the Counter-Terrorism Act 2008 (destruction of national security material not subject to existing statutory restrictions), in subsection (8) after paragraph (j) insert—
- “(k) paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”

Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (S.S.I. 2011/217)

- 27 (1) In regulation 8 of the Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011—
- (a) the words from “to whom” to the end become paragraph (a), and
 - (b) at the end of that paragraph insert “, or
 - (b) who is detained—
 - (i) under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or
 - (ii) under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”
- (2) Nothing in sub-paragraph (1) affects any power under the Legal Aid (Scotland) Act 1986 to revoke or amend any provision of the regulations amended by that sub-paragraph.

Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

- 28 In Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (fingerprints and samples), in paragraph 5, after sub-paragraph (d) insert—
- “(da) any fingerprints or samples taken under paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 or any information derived from such a sample,
 - (db) any relevant physical data taken or provided by virtue of paragraph 42 of that Schedule, any samples taken by virtue of that paragraph or any information derived from such a sample,”.

Protection of Freedoms Act 2012 (c. 9)

- 29 In section 20 of the Protection of Freedoms Act 2012 (function of the Commissioner for the Retention and Use of Biometric Material to keep under review national security determinations)—
- (a) in subsection (2), in paragraph (a) after sub-paragraph (iv) insert—
 - “(iva) paragraph 46 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019,”;
 - (b) in subsection (6), after paragraph (d) insert—
 - “(e) the retention and use in accordance with paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 of—
 - (i) any material to which paragraph 43 or 49 of that Schedule applies (fingerprints, relevant physical data, DNA profiles and samples), and
 - (ii) any copies of any material to which paragraph 43 of that Schedule applies (fingerprints, relevant physical data and DNA profiles).”;
 - (c) in subsection (8)—
 - (i) omit “and” at the end of paragraph (a);
 - (ii) at the end of (b) insert “, and
 - (c) the reference in subsection (6)(e) to use of material, or copies of material, in accordance with paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 includes a reference to use of material, or copies of material, in accordance with section 19C(2)(c) and (d) of the Criminal Procedure (Scotland) Act 1995.”

Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)

- 30 (1) In the Criminal Legal Aid (General) Regulations 2013, in regulation 12(2) (prescribed conditions)—
- (a) omit “or” at the end of paragraph (j);
 - (b) at the end of paragraph (k) insert “, or
 - (l) be detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.”
- (2) Nothing in sub-paragraph (1) affects any power under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to revoke or amend any provision of the regulations amended by that sub-paragraph.

Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 196)

- 31 (1) In regulation 4(2) of the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (exceptions from requirement to make a determination in respect of an individual’s financial resources), after sub-paragraph (a) insert—

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“(aa) is detained under Schedule 7 to the Terrorism Act 2000 or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;”.

- (2) Nothing in sub-paragraph (1) affects any power under the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) to revoke or amend any provision of the regulations amended by that sub-paragraph.

Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 201)

- 32 (1) In Schedule 2 to the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (advice and assistance)—

- (a) for the title to Part 2 substitute “Matters other than those relating to PACE, Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-Terrorism and Border Security Act 2019”;
- (b) in the title to Part 3 after “matters” insert “, Schedule 7 to the Terrorism Act 2000 matters or Schedule 3 to the Counter-Terrorism and Border Security Act 2019 matters”;
- (c) in note (1) to Table 1 in Part 3 (which refers to work relating to interviews conducted under the Police and Criminal Evidence (Northern Ireland) Order 1989), at the end insert “, Schedule 7 to the Terrorism Act 2000 or Schedule 3 to the Counter-Terrorism and Border Security Act 2019”.

- (2) Nothing in sub-paragraph (1) affects any power under the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) to revoke or amend any provision of the Order amended by that sub-paragraph.

Investigatory Powers Act 2016 (c. 25)

- 33 In section 47 of the Investigatory Powers Act 2016 (postal services: interception for enforcement purposes), in subsection (2) at the end insert “or under paragraph 9 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security)”.