



# Counter-Terrorism and Border Security Act 2019

## 2019 CHAPTER 3

### PART 1

#### COUNTER-TERRORISM

#### CHAPTER 3

##### COUNTER-TERRORISM POWERS

### 16 Evidence obtained under port and border control powers

In Schedule 7 to the Terrorism Act 2000 (port and border controls), after paragraph 5 insert—

- “5A (1) An answer or information given orally by a person in response to a question asked under paragraph 2 or 3 may not be used in evidence against the person in criminal proceedings.
- (2) Sub-paragraph (1) does not apply—
- (a) in the case of proceedings for an offence under paragraph 18 of this Schedule,
  - (b) on a prosecution for perjury, or
  - (c) on a prosecution for some other offence where, in giving evidence, the person makes a statement inconsistent with the answer or information mentioned in sub-paragraph (1).
- (3) An answer or information may not be used by virtue of sub-paragraph (2) (c) unless—
- (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,

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*Status: This is the original version (as it was originally enacted).*

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by or on behalf of the person in the proceedings arising out of the prosecution.

- (4) In sub-paragraph (2)(b) the reference to a prosecution for perjury is—
- (a) in the case of England and Wales, a reference to a prosecution for an offence under section 5 of the Perjury Act 1911;
  - (b) in the case of Northern Ireland, a reference to a prosecution for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)).”