



Counter-Terrorism and Border Security Act 2019

2019 CHAPTER 3

PART 1

COUNTER-TERRORISM

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COUNTER-TERRORISM POWERS

15 Traffic regulation

- (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) After section 22C insert—

“22CA Section 22C: power to impose charges

- (1) This section applies where a traffic authority—
 - (a) makes, or proposes to make, an order by virtue of section 22C, or
 - (b) issues, or proposes to issue, a notice by virtue of that section,for the purpose of protecting a relevant event or a relevant site from danger or damage connected with terrorism.
- (2) The authority may impose a charge of such amount as it thinks reasonable in respect of anything done in connection with or in consequence of the order or notice (or proposed order or notice).
- (3) The charge is payable—
 - (a) in the case of a relevant event, by the person promoting or organising the event;

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- (b) in the case of a relevant site, by the occupier of the site.
- (4) But a charge may not be imposed in relation to the holding of a relevant event if the event is a public procession, or public assembly, held for the purpose of—
- (a) demonstrating support for, or opposition to, the views or actions of any person or body of persons,
 - (b) publicising a cause or campaign, or
 - (c) marking or commemorating an event.
- (5) In this section—
- “public assembly” means an assembly of two or more persons in a public place which is wholly or partly open to the air;
- “public place” means—
- (a) any highway or, in Scotland, any road within the meaning of the Roads (Scotland) Act 1984, and
 - (b) any place to which at the material time the public, or any section of the public, has access (on payment or otherwise) as of right or by virtue of an express or implied permission;
- “public procession” means a procession in a public place;
- “relevant event” means—
- (a) a sporting event, social event or entertainment, or
 - (b) any other event that is organised for commercial, charitable or not for profit purposes;
- “relevant site” means a site on which activities are carried out in connection with the supply of essential goods or services.
- (6) The reference in the definition of “relevant site” to essential goods or services is a reference to goods or services disruption in the supply of which would cause, or would create a significant risk of, serious damage to—
- (a) human welfare in a place in the United Kingdom,
 - (b) the environment of a place in the United Kingdom,
 - (c) the economy of the United Kingdom, or
 - (d) the national security of the United Kingdom.
- (7) For the purposes of subsection (6)(a) disruption in the supply of goods, systems or services causes serious damage to human welfare only if it causes—
- (a) loss of human life,
 - (b) human illness or injury,
 - (c) disruption of a supply of money, food, water, energy or fuel,
 - (d) disruption of a system of communication,
 - (e) disruption of facilities for transport, or
 - (f) disruption of services relating to health.
- (8) References in this section to the supply of services include references to the provision of systems or facilities.”
- (3) Section 22D (section 22C: supplemental) is amended in accordance with subsections (4) to (9).

- (4) In subsection (1)—
- (a) after “made” insert “, and a notice may be issued,”;
 - (b) after “the order” insert “or notice”.
- (5) After subsection (1) insert—
- “(1A) Any statutory requirement to publish a proposal for, or a notice of, the making of an order does not apply to an order made by virtue of section 22C if the chief officer of police for the area to which the order relates considers that to do so would risk undermining the purpose for which the order is made.”
- (6) In subsection (2), after “made” insert “, or a notice issued,”.
- (7) In subsection (3), after “made” insert “, or a notice under that section issued,”.
- (8) In subsection (4)—
- (a) after “made” insert “, or a notice issued,”;
 - (b) after “the order,” insert “notice,”.
- (9) In subsection (5)—
- (a) in the words before paragraph (a), after “made” insert “, or a notice issued,”;
 - (b) in paragraph (a) after “order” insert “or notice”;
 - (c) after paragraph (c) insert—
 - “(d) enable a constable to authorise a person of a description specified in the order or notice to do anything that the constable could do by virtue of this subsection.”
- (10) In section 67 (emergencies and temporary obstructions), after subsection (1A) insert—
- “(1B) In the application of subsection (1) in connection with terrorism or the prospect of terrorism—
- (a) the reference to vehicular traffic is to be read as a reference to any kind of traffic (including pedestrians), and
 - (b) the other references to traffic are to be read accordingly.”
- (11) After section 94 insert (in Part 7)—

“94A Bollards and other obstructions: terrorism

- (1) This section applies where the passage, or the passage in any direction, of traffic (including pedestrians), or of traffic of any class, is prohibited at any point of a road by virtue of the exercise of a power under section 67 for a purpose relating to danger or damage connected with terrorism or the prospect of terrorism.
- (2) An authorised person may place at or near that point whatever bollards or other obstructions the person considers appropriate for preventing the passage of the traffic.

“Authorised person” means a constable or a person authorised or required to act on behalf of a constable.
- (3) The bollards or other obstructions that may be placed under this section—
 - (a) include obstructions of any description,

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- (b) may be either fixed or moveable, and
 - (c) may be placed so as to prevent the passage of traffic at all times or certain times only.
- (4) Where the passage of traffic along a stretch of road is prevented by virtue of the power under subsection (2) being exercised in respect of one or more points on the road, the power under that subsection includes placing, or authorising the placing of, further obstructions on that stretch of road.
- (5) A power conferred by this section to place an obstruction includes power to maintain or light it.
- (6) Nothing in this section affects any power that a constable has apart from this section.”