



# Counter-Terrorism and Border Security Act 2019

## 2019 CHAPTER 3

### PART 1

#### COUNTER-TERRORISM

#### CHAPTER 3

##### COUNTER-TERRORISM POWERS

### **17 Persons detained under port and border control powers**

- (1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- (2) In paragraph 6, after sub-paragraph (3) insert—
  - “(4) A detained person must be informed of the right under this paragraph on first being detained.”
- (3) In paragraph 7, after sub-paragraph (2) insert—
  - “(3) A detained person must be informed of the right under this paragraph on first being detained.”
- (4) In paragraph 9—
  - (a) for sub-paragraphs (1) and (2) substitute—
    - “(1) This paragraph applies where a detained person exercises the right under paragraph 7 to consult a solicitor.
    - (2) A police officer of at least the rank of superintendent may direct that the right—

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Section 17. (See end of Document for details)*

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- (a) may not be exercised (or further exercised) by consulting the solicitor who attends for the purpose of the consultation or who would so attend but for the giving of the direction, but
- (b) may instead be exercised by consulting a different solicitor of the detained person's choosing.

(2A) A direction under this paragraph may be given before or after a detained person's consultation with a solicitor has started (and if given after it has started the right to further consult that solicitor ceases on the giving of the direction).”, and

- (b) omit sub-paragraphs (4) and (5).

(5) In paragraph 16—

- (a) in sub-paragraph (8), omit “Subject to paragraph 17,”, and
- (b) after sub-paragraph (9) insert—

“(10) A detained person must be informed of the rights under sub-paragraphs (1) and (6) on first being detained.”

(6) In paragraph 17—

- (a) for sub-paragraphs (1) and (2) substitute—

“(1) This paragraph applies where a detained person exercises the right under paragraph 16(6) to consult a solicitor.

(2) A police officer not below the rank of superintendent may, if it appears to the officer to be necessary on one of the grounds mentioned in sub-paragraph (3), direct that the right—

- (a) may not be exercised (or further exercised) by consulting the solicitor who attends for the purpose of the consultation or who would so attend but for the giving of the direction, but
- (b) may instead be exercised by consulting a different solicitor of the detained person's choosing.

(2A) A direction under this paragraph may be given before or after a detained person's consultation with a solicitor has started (and if given after it has started the right to further consult that solicitor ceases on the giving of the direction).”, and

- (b) in sub-paragraph (3), in the opening words for “(1)” substitute “(2)”.

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**Commencement Information**

**II** S. 17 in force at 13.8.2020 by S.I. 2020/792, reg. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Section 17.