
STATUTORY INSTRUMENTS

2020 No. 792 (C. 27)

**PREVENTION AND
SUPPRESSION OF TERRORISM**

**The Counter-Terrorism and Border Security Act
2019 (Commencement No. 1) Regulations 2020**

Made - - - - *22nd July 2020*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 27(2) of the Counter-Terrorism and Border Security Act 2019⁽¹⁾.

Citation

1. These Regulations may be cited as the Counter-Terrorism and Border Security Act 2019 (Commencement No. 1) Regulations 2020.

Commencement

2. The following provisions of the Counter-Terrorism and Border Security Act 2019 come into force on the 22nd day after the day on which these Regulations are made—

- (a) section 16 (evidence obtained under port and border control powers);
- (b) section 17 (persons detained under port and border control powers);
- (c) section 18 (detention of terrorist suspects: hospital treatment);
- (d) section 19 (retention of biometric data for counter-terrorism purposes etc) so far as relating to the provisions brought into force by paragraph (e);
- (e) paragraphs 1 to 4 and 6 to 17 of Schedule 2 (retention of biometric data for counter-terrorism purposes etc);
- (f) section 22 (port and border controls) so far as relating to the provisions brought into force by paragraph (g);
- (g) Schedule 3 (port and border controls) to the extent it is not already in force, except for paragraphs 44 and 45 in relation to Northern Ireland;
- (h) section 23(1) (minor and consequential amendments) so far as relating to the provisions brought into force by paragraph (i);

- (i) the following paragraphs of Schedule 4 (minor and consequential amendments)—
 - (i) 17 and 18;
 - (ii) 20(2) to (8) and paragraph 20(1) so far as it relates to those sub-paragraphs;
 - (iii) 21 to 26;
 - (iv) 28 to 33.

22nd July 2020

James Brokenshire
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force most of the remaining provisions of the Counter-Terrorism and Border Security Act 2019 (c. 3) (“the Act”) which were not brought into force by sections 27(1) and 27(3) of the Act. These are the first commencement regulations made under the Act.

The Regulations bring into force the provisions of the Act which relate to port and border control powers, powers relating to the retention of biometric data for counter-terrorism purposes etc and minor and consequential amendments to other legislation as a result of these provisions.

Regulation 2(a) to (c) brings into force provisions of the Act which amend section 41 of, and Schedules 7 and 8 to, the Terrorism Act 2000 (“the 2000 Act”), which contain powers for examining officers to stop, question, search and detain a person at UK ports and the Northern Ireland border area for the purpose of determining whether the person appears to be a person who is, or has been, concerned in the commission, preparation or instigation of acts of terrorism. These amendments include the introduction of a statutory bar on the use in criminal proceedings of answers given in response to questions put under Schedule 7 and provisions for pausing the detention clock applicable to detainees under Schedule 7 whilst the person detained receives hospital treatment.

Regulation 2(d) and (e) brings into force amendments to a number of enactments which contain powers to retain biometric data where authorised under a “national security determination”, which includes increasing the maximum duration of retention under such a determination from 2 to 5 years. The provisions brought into force amend legislation in England and Wales and Scotland only. The provisions which relate to these powers in Northern Ireland have not yet been commenced because the underlying enactments have not yet been commenced in Northern Ireland.

Regulation 2(f) and (g) brings into force Schedule 3 to the Act which contains powers for examining and review officers to stop, question, search and detain a person at UK ports and the Northern Ireland border area for the purpose of determining whether the person appears to be a person who is, or has been, engaged in hostile activity. Paragraphs 44 and 45 of Schedule 3 (which relate to the retention of biometric material taken under Schedule 3) are not brought into force in relation to Northern Ireland, however, as the powers within those provisions rely on legislation in Northern Ireland which has not yet been commenced.

Regulation 2(h) and (i) brings into force minor and consequential amendments and transitional provisions as necessitated by the provisions as set out above (other than paragraph 20(9) of Schedule 4, which pertains to provisions of Northern Ireland legislation which have not yet been commenced).