

Counter-Terrorism (Temporary Provisions) Bill

CONTENTS

- 1 Power to detain terrorist suspects
- 2 Independent review and report
- 3 Short title etc

A

B I L L

TO

Make temporary provision extending the maximum period of detention under Schedule 8 to the Terrorism Act 2000; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Power to detain terrorist suspects

- (1) Part 3 of Schedule 8 to the Terrorism Act 2000 (c. 11) (extension of detention under section 41 of that Act) has effect, while this section is in force, with the following amendments.
- (2) In paragraph 36(3)(b)(ii) (maximum permitted period of detention), for “28 days” substitute “42 days”.
- (3) In paragraph 36(1) (persons by whom application may be made), as it has effect in relation to an application to extend the period specified in a warrant of further detention beyond 28 days, for paragraphs (a) to (d) substitute—
 - “(a) in England and Wales, the Director of Public Prosecutions or a Crown Prosecutor acting with the consent of the Director,
 - (b) in Scotland, the Lord Advocate or a procurator fiscal,
 - (c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,”.
- (4) In relation to the making of any such application in England and Wales—
 - (a) section 1(6) of the Prosecution of Offences Act 1985 (c. 23) (Crown Prosecutor to have powers of Director as to the institution and conduct of proceedings) does not authorise the making of an application by a Crown Prosecutor without the consent of the Director; and
 - (b) section 1(7) of that Act (power of Crown Prosecutor to give consent etc in place of Director) applies only to a Crown Prosecutor authorised by the Director in person to give consent for the purposes of such applications.
- (5) This section applies to individuals—

- (a) detained under section 41 of the Terrorism Act 2000 (c. 11) when this section comes into force, or
 - (b) subsequently detained under that section at a time when this section has effect.
- (6) This section comes into force on the passing of this Act and ceases to have effect at the end of the period of 60 days beginning with the day on which this Act is passed.
- (7) When this section ceases to have effect, a person having custody of an individual whose detention was authorised by virtue of this section and is not otherwise authorised by law must release that individual immediately.

2 Independent review and report

- (1) After the end of the period during which section 1 of this Act is in force the person appointed under section 36 of the Terrorism Act 2006 (c. 11) (review of terrorism legislation) must –
- (a) carry out a review in accordance with this section, and
 - (b) send a report on the outcome of the review to the Secretary of State.
- (2) The review must consider the case of every individual who was detained in pursuance of a warrant of further detention in which the specified period was extended beyond 28 days.
- (3) The report must state with respect to each case whether in the opinion of the person carrying out the review –
- (a) the procedures applicable to the making of an application to extend beyond 28 days the period specified in a warrant of further detention were properly followed, and
 - (b) the requirements of –
 - (i) Parts 1 and 2 of Schedule 8 to the Terrorism Act 2000 (treatment of detained persons and review of detention), and
 - (ii) any applicable code of practice under section 66 of the Police and Criminal Evidence Act 1984 (c. 60) or Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),were complied with.
- (4) The Secretary of State may pay the expenses of the person who conducts a review under this section and also such allowances as the Secretary of State determines.
- (5) The report under this section must be sent to the Secretary of State not later than six months after section 1 of this Act ceased to be in force.
- (6) The Secretary of State must lay a copy of the report before Parliament as soon as reasonably practicable.

3 Short title etc

- (1) The short title of this Act is the Counter-Terrorism (Temporary Provisions) Act [2008].
- (2) This Act extends to the whole of the United Kingdom.

-
- (3) In this Act—
- (a) “warrant of further detention” has the same meaning as in Schedule 8 to the Terrorism Act 2000 (c. 11); and
 - (b) “beyond 28 days” means to a time more than 28 days after the relevant time as defined in paragraph 36(3B) of that Schedule.
- (4) Section 25 of the Terrorism Act 2006 (c. 11) (expiry or renewal of 28-day maximum detention period) does not apply during the period when section 1 of this Act is in force.