

Terrorism Bill

COMMONS AMENDMENTS AND REASONS

[The page and line references are to HL Bill 38, the bill as first printed for the Lords.]

Clause 1

LORDS AMENDMENT NO. 5

5 Page 2, line 1, leave out subsection (4) and insert –

“() For the purposes of this section, “indirect encouragement” comprises the making of a statement describing terrorism in such a way that the listener would infer that he should emulate it.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but propose Amendments 34A and 34B in lieu.

Clause 2

LORDS AMENDMENT NO. 11

11 Page 3, line 23, leave out subsection (4)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but propose Amendments 34A and 34B in lieu.

LORDS AMENDMENT NO. 15

15 Page 3, line 46, leave out paragraphs (a) and (b) and insert “anything mentioned in subsections (1), (1A) and (2)”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but

propose Amendments 34A and 34B in lieu.

Clause 3

LORDS AMENDMENT NO. 22

22 Page 5, line 17, leave out “, in the opinion of the constable giving it,”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

22A *Because the Commons do not consider that it is appropriate that approval of a judge be required before a notice can be served under clause 3*

LORDS AMENDMENT NO. 23

23 Page 5, line 27, at end insert –

“(3A) A notice under subsection (3) shall not be given unless it has been approved by an appropriate judge.

(3B) An appropriate judge shall not grant an application for approval under subsection (3A) unless he is satisfied, on the evidence before him, that the statement or the article or record is one to which subsection (1) applies.

(3C) The Secretary of State may make regulations relating to applications made under subsection (3A).

(3D) Regulations made under subsection (3C) –
 (a) may provide for an application to be heard without notice to the relevant person and in his absence;
 (b) shall provide that the relevant person and other persons having an interest in the matter may apply to a court for the revocation of the notice.

(3E) The first regulations made under subsection (3C) may not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of each House of Parliament.

(3F) Other regulations made under subsection (3C) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

23A *Because the Commons do not consider that it is appropriate that approval of a judge be required before a notice can be served under clause 3*

LORDS AMENDMENT NO. 25

25 Page 6, line 17, leave out “capable of being” and insert “likely to be”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 25, 26 and 27, but propose Amendments 27A, 27B, 27C, 27D and 27E to the Bill, and to the words restored to the Bill by the Commons' disagreement with Lords Amendment No. 28, in lieu.

LORDS AMENDMENT NO. 26

- 26** Page 6, line 21, leave out “capable of being” and insert “likely to be”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 25, 26 and 27, but propose Amendments 27A, 27B, 27C, 27D and 27E to the Bill, and to the words restored to the Bill by the Commons' disagreement with Lords Amendment No. 28, in lieu.

LORDS AMENDMENT NO. 27

- 27** Page 6, line 23, leave out “capable of being” and insert “likely to be”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 25, 26 and 27, but propose Amendments 27A, 27B, 27C, 27D and 27E to the Bill, and to the words restored to the Bill by the Commons' disagreement with Lords Amendment No. 28, in lieu –

- 27A** Page 6, line 17, leave out “capable of being understood” and insert “likely to be understood, by any one or more of the persons to whom it has or may become available, “
- 27B** Page 6, line 21, leave out “capable of being useful” and insert “likely to be useful to any one or more of those persons”
- 27C** Page 6, line 23, leave out “capable of being understood” and insert “likely to be understood by any one or more of those persons”
- 27D** Page 6, line 25, leave out “capable of being” and insert “likely to be”
- 27E** Page 6, line 27, leave out “capable of being” and insert “likely to be”

LORDS AMENDMENT NO. 28

- 28** Page 6, line 25, leave out subsection (9)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but propose Amendments 34A and 34B in lieu.

LORDS AMENDMENT NO. 29

- 29** Page 6, line 37, at end insert –

- “() In this section “appropriate judge” means –
- (a) in England and Wales, a circuit judge or a judge of the High Court;
 - (b) in Scotland, a sheriff or a judge of the High Court of Judiciary;

(c) in Northern Ireland, a High Court judge.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 29A** *Because the Commons do not consider that it is appropriate that approval of a judge be required before a notice can be served under clause 3*

Clause 20

LORDS AMENDMENT NO. 31

- 31** Page 18, leave out lines 13 and 14

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but propose Amendments 34A and 34B in lieu.

LORDS AMENDMENT NO. 32

- 32** Page 18, line 14, at end insert –
 ““indirect encouragement” comprises a statement describing terrorism in such a way that the listener would infer that he should emulate it;”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but propose Amendments 34A and 34B in lieu.

Clause 21

LORDS AMENDMENT NO. 34

- 34** Page 19, leave out lines 29 to 44 and insert “indirectly encourage terrorism, within the meaning of “indirect encouragement” as specified in section 1(3) of the Terrorism Act 2006”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 5, 11, 15, 28, 31, 32 and 34, but propose Amendments 34A and 34B in lieu –

- 34A** Page 3, line 46, leave out paragraphs (a) and (b) and insert “anything mentioned in subsections (1) to (4)”
- 34B** Page 19, line 39, leave out “of a description” and insert “that is illustrative of a type”