

COMMITTEE ON EQUALITY OF OPPORTUNITY EOC-01-02(p.6)

Date:	Wednesday 30 January 2002
Time:	9.30am
Venue:	Committee Room 3, National Assembly Building
Title:	Anti-Terrorism, Crime and Security Act

SUMMARY OF MAIN PROVISIONS

This Act is the result of an extensive review of existing UK legislation, and expands upon the powers already contained within The Terrorism Act 2000.

The Act will be reviewed by a committee of Privy Counsellors within its first two years.

Part 1 – Terrorist Property

Provisions to prevent terrorists from gaining access to their money:

- Introduces account monitoring orders, enabling police to require financial institutions to provide information on accounts for up to 90 days.
- Strengthens existing requirement to report knowledge or suspicion of terrorist financing, so that it will be an offence not to report where there are "reasonable grounds" for suspicion.
- Gives law enforcement agencies the power to seize terrorist cash anywhere in the UK, and the power to freeze assets at the start of an investigation, rather than when the person is about to be charged.

Part 2 – Freezing Orders

Measures to allow the UK to take swifter, more targeted action to freeze the assets of terrorist individuals and groups.

Part 3 – Disclosure of Information

Provisions to remove current barriers which prevent customs and revenue officers from providing

information to law enforcement agencies.

- Creates HM Customs and Excise and the Inland Revenue a general power to disclose information held by them for law enforcement purposes and to the intelligence services in the defence of national security.
- Clarifies and harmonises a number of existing gateways for disclosure of information from public authorities to agencies involved in criminal investigations and proceedings.

Part 4 – Immigration and Asylum

Provisions intended to prevent terrorists abusing immigration and asylum procedures.

- Allows the detention of those whom the Secretary of State has certified as threats to national security, and who are suspected of being international terrorists, where their removal is not possible at the present time. Such detention will be subject to regular independent review by the Special Immigration Appeals Commission.
- Excludes substantive consideration of asylum claims where the Secretary of State certifies that their removal would be conducive to the public good (i.e. speeds up the asylum process for suspected terrorists).
- Removes Judicial Review of decisions of the Special Immigration Appeals Commission in relation to the above two measures.
- Allows for the retention, for 10 years, of fingerprints taken in asylum and certain immigration cases (preventing terrorists from creating multiple identities).

The detention powers require a limited derogation from Article 5 of the European Convention on Human Rights (right to liberty and security). Such derogation is permitted during a time of public emergency, but must be limited to the extent strictly necessary as a result of that emergency. The Secretary of State must appoint a person to review and report on the operation of the deportation and detention powers within 14 months, and these powers will be reviewed by Parliament after 15 months.

Part 5 – Race and Religion

Provisions to extend the racially aggravated offences of assault, public order, criminal damage and harassment to cover attacks aggravated by religious hostility. The penalties for racial hatred crimes are raised from 2 to 7 years.

Part 6 – Weapons of Mass Destruction

Provisions intended to strengthen current legislation controlling chemical, nuclear and biological weapons.

- Makes it an offence to aid or abet the overseas use or development of chemical, nuclear, biological or radiological weapons.
- Introduces offences equivalent to those in the Chemical Weapons Act 1996 in relation to biological and nuclear weapons, bringing legislation on biological and nuclear weapons into line with existing legislation on chemical weapons.
- Also a new provision for Customs and Excise to prosecute for chemical weapons offences.

Part 7 – Control of Pathogens and Toxins

Provisions intended to ensure that terrorists do not have access to premises or substances that might be used in a potentially devastating manner (such as pathogens dangerous to human, plant or animal health).

- An obligation on managers of laboratories holding stocks of specified diseases to notify their holdings, and to comply with any reasonable security requirements which the police may impose after an inspection of the premises.
- A requirement on managers of laboratories, on receipt of a police request, to prove the police with names and other details with regular access to the dangerous diseases held in the laboratory; provision for background checks on such people; and provision for the Secretary of State to prevent any named individual having access to these substances or premises.

Part 8 – Civil Nuclear Security

Provisions to ensure further protection for nuclear sites, material and technology against the risks from terrorists and others.

- Extends the jurisdiction of the UK Atomic Energy Authority Constabulary so that they can be deployed in all civil licensed nuclear sites.
- Provides for regulations reinforcing and updating the regulatory regime for security in the civil nuclear industry.

- Strengthens sanctions against the unauthorised disclosure by individuals of sensitive information on the security of nuclear sites, nuclear material and proliferation-sensitive nuclear technology.

Part 9 – Aviation Security

Provisions to improve enforcement of aviation security requirements and improve the ability of police to deal with potentially dangerous situations at airports and on board aircraft. It includes provisions to remove unauthorised persons from Airport Restricted Zones and from aircraft.

Part 10 – Police Powers

- Allows the police and customs services to demand the removal of any item which they believe is being worn wholly or mainly for the purpose of concealing identity, such as facial covering or gloves.
- Allows the British Transport Police to act outside their railways jurisdiction when asked to assist by other police forces. Also gives BTP officers certain powers under the Terrorism Act 2000 and powers to enter into mutual aid agreements with other forces.
- Similarly, allows Ministry of Defence Police to act outside MoD land when asked by other police forces.

Part 11 – Retention of Communications Data

Provisions to allow communications service providers to retain data about their customers' communications for access by law enforcement agencies and for national security purposes (e.g. subscriber details, itemised billing – but not the content of such communications, such as what was said by phone or e-mail).

Enables a voluntary code of practice to be drawn up in consultation with the communications industry (with a reserve power to review these arrangements and issue directions if necessary).

Part 12 – Bribery and Corruption

Provisions to strengthen the law on international corruption, putting it beyond doubt that the law of bribery applies to acts involving foreign public officials, Ministers, MPs and judges, and taking jurisdiction over crimes of bribery committed by UK nationals and UK companies overseas.

Part 13 – Miscellaneous

- A clause to enable the swift implementation, through secondary legislation, of EU measures for

co-operation on justice and home affairs. (Examples are the measures agreed by EU leaders at their summit following the US attacks: plans for joint investigative teams, simplifying seizing terrorists' assets across Europe, and speeding up extradition arrangements between member states.)

- Using noxious substances for terrorist purposes will become an offence (this includes, for the first time, using a biological weapon).
- A new offence of hoaxing involving allegedly toxic substances – e.g. anthrax, smallpox, acids or other similar substances.
- Extending the powers of GCHQ, to introduce greater flexibility for intelligence gathering outside the British islands.
- Reintroducing the offence of a general failure to disclose information about terrorism, previously contained in the Prevention of Terrorism Act in relation to Northern Ireland. The new provision will extend the provision to domestic and international terrorism.
- Additional powers to require carriers to collect and provide information about passengers and goods to the enforcement agencies, which can then be shared between the agencies.