

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under Part 5 of the Counter-Terrorism and Security Act 2015 (“the Act”) in relation to the risk of being drawn into terrorism.

Regulation 3 brings into effect statutory guidance about the performance by specified authorities listed in Schedule 6 to the Act of their duty under section 26(1) of the Act. The section 26(1) duty requires each specified authority, in the exercise of its functions, to have due regard to the need to prevent people from being drawn into terrorism. Regulation 3 provides that guidance issued by the Secretary of State under section 29(1) of the Act in relation to the exercise of the duty in England and Wales, and separate guidance issued by the Secretary of State in relation to the exercise of the duty in Scotland, takes effect on the day on which regulation 3 comes into force.

Regulations 4 and 5 make amendments to Chapter 1 of Part 5 of the Act which are consequential on certain Scottish authorities being added to the list of specified authorities in Schedule 6 to the Act.

Regulation 4 provides for the enforcement in Scotland of directions issued by the Secretary of State to Scottish authorities under section 30 of the Act, to secure those authorities’ compliance with their duty under section 26(1).

Regulation 5 has the effect of ensuring that certain Scottish further and higher educational institutions which are subject to the duty in section 26(1) of the Act are required, when carrying out that duty, to have particular regard to the need to ensure freedom of speech and the importance of academic freedom. Regulation 5 also ensures that where the Secretary of State is issuing guidance under section 29(1) of the Act, or is considering whether to give directions under section 30, to such Scottish further and higher educational institutions, the Secretary of State must have particular regard to the need to ensure freedom of speech and the importance of academic freedom.

Regulation 6 amends Chapter 2 of Part 5 of the Act so that it applies in Scotland. This is achieved by amending the “local authority” definition so it includes local authorities in Scotland. This ensures that Scottish local authorities are subject to the duty in section 36(1) to ensure that panels are in place in those authorities’ areas with the functions of assessing the extent to which identified individuals are vulnerable to being drawn into terrorism and, where appropriate, providing support to such individuals if they consent to receive it. Regulation 6 also ensures that references to a chief officer of police in Chapter 2 of Part 5 are to be read as including references to the chief constable of the Police Service of Scotland.

Regulation 7 and Schedule 1 have the effect of including various Scottish authorities as specified authorities in Schedule 6 to the Act, so as to impose on them the duty in section 26(1).

Regulation 8 and Schedule 2 have the effect of including in Schedule 7 to the Act various Scottish authorities as partners of local authority panels which are in place as a consequence of being subject to the section 36(1) duty.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available and is published with the Explanatory Memorandum alongside the instrument on www.gov.uk.