



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 4

#### NOTIFICATION REQUIREMENTS

##### *Persons to whom the notification requirements apply*

#### **44 Persons to whom the notification requirements apply**

The notification requirements apply to a person who—

- (a) is aged 16 or over at the time of being dealt with for an offence to which this Part applies, and
- (b) is made subject in respect of the offence to a sentence or order within section 45 (sentences or orders triggering notification requirements).

#### **Commencement Information**

**II** S. 44 in force at 1.10.2009 by [S.I. 2009/1493](#), [art. 2\(a\)](#)

#### **45 Sentences or orders triggering notification requirements**

- (1) The notification requirements apply to a person who in England and Wales—
- (a) has been convicted of an offence to which this Part applies and sentenced in respect of the offence to—
    - (i) imprisonment or custody for life,
    - (ii) imprisonment or detention in a young offender institution for a term of 12 months or more,
    - (iii) imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (c. 44),

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*Status: Point in time view as at 03/12/2012.*

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- (iv) detention for life or for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (offenders under 18 convicted of certain serious offences),
  - (v) a detention and training order for a term of 12 months or more under section 100 of that Act (offenders under age of 18),
  - (vi) detention for public protection under section 226 of the Criminal Justice Act 2003 (serious offences committed by persons under 18),
  - [<sup>F1</sup>(via) detention under section 226B of that Act (extended sentence of detention for certain dangerous offenders aged under 18),] or
  - (vii) detention during Her Majesty's pleasure; or
- (b) has been—
- (i) convicted of an offence to which this Part applies carrying a maximum term of imprisonment of 12 months or more,
  - (ii) found not guilty by reason of insanity of such an offence, or
  - (iii) found to be under a disability and to have done the act charged against them in respect of such an offence,
- and made subject in respect of the offence to a hospital order.
- (2) The notification requirements apply to a person who in Scotland—
- (a) has been convicted of an offence to which this Part applies and sentenced in respect of the offence to—
    - (i) imprisonment or detention in a young offenders institution for life,
    - (ii) imprisonment or detention in a young offenders institution for a term of 12 months or more,
    - (iii) an order for lifelong restriction under section 210F of the Criminal Procedure (Scotland) Act 1995 (c. 46),
    - (iv) detention without limit of time under section 205(2) of that Act (punishment for murder for offenders under 18), or
    - (v) detention for a period of 12 months or more under section 208 of that Act (detention of children convicted on indictment); or
  - (b) has been—
    - (i) convicted of an offence to which this Part applies carrying a maximum term of imprisonment of 12 months or more,
    - (ii) acquitted of such an offence [<sup>F2</sup>by reason of the special defence set out in section 51A of that Act (criminal responsibility of persons with mental disorder), or]
    - (iii) found, following an examination of facts under section 55 of [<sup>F3</sup>that Act (examination of facts where person unfit for trial) ] in relation to such an offence, to have done the act or omission constituting the offence,

and made subject in respect of the offence to a hospital order.
- (3) The notification requirements apply to a person who in Northern Ireland—
- (a) has been convicted of an offence to which this Part applies and sentenced in respect of the offence to—
    - (i) imprisonment for life,
    - (ii) imprisonment or detention in a young offenders centre for a term of 12 months or more,

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- (iii) an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
  - (iv) an extended custodial sentence under Article 14(5) of that Order (offenders under 21 convicted of certain offences),
  - (v) a juvenile justice centre order under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) for a period of 12 months or more,
  - (vi) detention during the pleasure of the [<sup>F4</sup>Minister in charge of the Department of Justice] under Article 45(1) of that Order (punishment of certain grave crimes committed by a child), or
  - (vii) detention under Article 45(2) of that Order for a period of 12 months or more (other serious offences committed by a child); or
- (b) has been—
- (i) convicted of an offence to which this Part applies carrying a maximum term of imprisonment of 12 months or more,
  - (ii) found not guilty by reason of insanity of such an offence, or
  - (iii) found to be unfit to be tried and to have done the act charged against them in respect of such an offence,
- and made subject in respect of the offence to a hospital order.
- (4) The references in this section to an offence carrying a maximum term of imprisonment of 12 months or more—
- (a) are to an offence carrying such a maximum term in the case of a person who has attained the age of 21 (18 in relation to England and Wales), and
  - (b) include an offence carrying in the case of such a person a maximum term of life imprisonment and an offence for which in the case of such a person the sentence is fixed by law as life imprisonment.
- (5) In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) subsection (4)(a) above has effect with the omission of the words “(18 in relation to England and Wales)”.

#### Textual Amendments

- F1** S. 45(1)(a)(via) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 21 para. 33\(3\)](#); S.I. 2012/2906, art. 2(s)
- F2** Words in s. 45(2)(b)(ii) substituted (with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), [sch. 7 para. 85\(a\)](#); S.S.I. 2012/160, art. 3, sch.
- F3** Words in s. 45(2)(b)(iii) substituted (with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), [sch. 7 para. 85\(b\)](#); S.S.I. 2012/160, art. 3, sch.
- F4** Words in s. 45(3)(a)(vi) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010](#) (S.I. 2010/976), art. 1(2), [Sch. 14 para. 91\(2\)](#) (with arts. 28-31)

#### Commencement Information

- I2** S. 45 in force at 1.10.2009 by [S.I. 2009/1493](#), [art. 2\(a\)](#)

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#### **46 Power to amend specified terms or periods of imprisonment or detention**

- (1) The Secretary of State may by order amend the provisions of section 45 referring to a specified term or period of imprisonment or detention.
- (2) An order reducing a specified term or period has effect only in relation to persons dealt with after the order comes into force.
- (3) Where an order increases a specified term or period—
  - (a) it has effect in relation to persons dealt with at any time, whether before or after the order comes into force, and
  - (b) a person who would not have been subject to the notification requirements if the order had been in force when the offence was dealt with (and who is not otherwise subject to those requirements) ceases to be subject to the requirements when the order comes into force.
- (4) An order under this section is subject to affirmative resolution procedure.

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#### **Commencement Information**

**I3** S. 46 in force at 1.10.2009 by [S.I. 2009/1493](#), [art. 2\(a\)](#)

**Status:**

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**Changes to legislation:**

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