



# Counter-Terrorism and Border Security Act 2019

## 2019 CHAPTER 3

### PART 1

#### COUNTER-TERRORISM

### CHAPTER 2

#### PUNISHMENT AND MANAGEMENT OF TERRORIST OFFENDERS

#### *Sentencing*

#### **7 Increase in maximum sentences**

- (1) The Terrorism Act 2000 is amended in accordance with subsections (2) to (4).
- (2) In section 38B (information about acts of terrorism), in subsection (5)(a), for “five years” substitute “ 10 years ”.
- (3) In section 58 (collection of information), in subsection (4)(a), for “10 years” substitute “ 15 years ”.
- (4) In section 58A (eliciting, publishing or communicating information about members of armed forces etc), in subsection (3)(a), for “10 years” substitute “ 15 years ”.
- (5) The Terrorism Act 2006 is amended in accordance with subsections (6) and (7).
- (6) In section 1 (encouragement of terrorism), in subsection (7)(a), for “7 years” substitute “ 15 years ”.
- (7) In section 2 (dissemination of terrorist publications), in subsection (11)(a), for “7 years” substitute “ 15 years ”.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Sentencing. (See end of Document for details)*

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## 8 Sentences for offences with a terrorist connection

- (1) The Counter-Terrorism Act 2008 is amended as follows.
- (2) In section 30 (sentences for offences with a terrorist connection: England and Wales)
  - (a) in the heading, after “Wales” insert “ and Northern Ireland ”;
  - (b) in subsection (1), after “Wales” insert “ , or in Northern Ireland, ”.
- (3) In section 42 (offences to which notification requirements apply: offences having a terrorist connection), in subsection (1), in paragraph (a), after “Wales” insert “ and Northern Ireland ”.
- (4) Schedule 2 (list of offences where terrorist connection to be considered) is amended in accordance with subsections (5) and (6).
- (5) In the list of common law offences, after the entry for “Abduction” insert—
 

“Assault by explosive device under the law of Scotland.

Assault to severe injury under the law of Scotland.

Assault and poisoning under the law of Scotland.

Poisoning under the law of Scotland.

False imprisonment under the law of Northern Ireland.”
- (6) In the list of statutory offences—
  - (a) [F<sup>1</sup>in the entry relating to the Offences against the Person Act 1861, after paragraph (a) insert—
 

“(aa) section 18 (wounding with intent),”];
  - (b) after the entry relating to the Explosive Substances Act 1883 insert—
 

“An offence under section 20 of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.)) (blackmail).

An offence under section 1 of the Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.)) (intimidation).”;
  - (c) after the entry relating to the Chemical Weapons Act 1996 insert— “ An offence under Article 6 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9)) (putting people in fear of violence). ”;
  - (d) after the entry relating to the Anti-terrorism, Crime and Security Act 2001 insert—
 

“An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))—

    - (a) Article 3(1) (unauthorised possession etc of firearm),
    - (b) Article 3(2) (unauthorised possession etc of ammunition),
    - (c) Article 58(1) (possession of firearm with intent to endanger life etc),
    - (d) Article 58(2) (possession of firearm with intent to cause person to believe that unlawful violence will be used etc),
    - (e) Article 60 (carrying a firearm with criminal intent),

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- (f) Article 61 (carrying or discharging a firearm in a public place),
- (g) Article 64 (possession of firearm or ammunition in suspicious circumstances).”

**Textual Amendments**

**F1** S. 8(6)(a) repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**Modifications etc. (not altering text)**

**C1** S. 8(6)(a) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#); [S.I. 2012/1236](#), reg. 2

**9 Extended sentences etc for terrorism offences: England and Wales**

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 224 (meaning of “specified offence” etc)—
  - (a) in subsection (1), for “or a specified sexual offence” substitute “, a specified sexual offence or a specified terrorism offence”;
  - (b) in subsection (3), after the definition of “specified sexual offence” insert—

““specified terrorism offence” means an offence specified in Part 3 of that Schedule.”

<sup>F2</sup>(3) .....

<sup>F2</sup>(4) .....

- (5) In Schedule 15 (specified offences for the purposes of certain sentencing provisions in Chapter 5 of Part 12, relating to dangerous offenders), after Part 2 insert—

**“PART 3**

**SPECIFIED TERRORISM OFFENCES**

- 154 An offence under section 11 of the Terrorism Act 2000 (membership of a proscribed organisation).
- 155 An offence under section 12 of that Act (inviting support for a proscribed organisation).
- 156 An offence under section 54 of that Act (weapons training).
- 157 An offence under section 56 of that Act (directing a terrorist organisation).

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- 158 An offence under section 57 of that Act (possession of article for terrorist purposes).
- 159 An offence under section 58 of that Act (collection of information likely to be of use to a terrorist).
- 160 An offence under section 58A of that Act (publishing information about members of the armed forces etc).
- 161 An offence under section 58B of that Act (entering or remaining in a designated area).
- 162 An offence under section 59 of that Act (inciting terrorism overseas).
- 163 An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).
- 164 An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).
- 165 An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).
- 166 An offence under section 1 of the Terrorism Act 2006 (encouragement of terrorism).
- 167 An offence under section 2 of that Act (dissemination of terrorist publications).
- 168 An offence under section 5 of that Act (preparation of terrorist acts).
- 169 An offence under section 6 of that Act (training for terrorism).
- 170 An offence under section 8 of that Act (attendance at a place used for terrorist training).
- 171 An offence under section 9 of that Act (making or possession of radioactive device or material).

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- 172 An offence under section 10 of that Act (misuse of radioactive device or material for terrorist purposes etc).
- 173 An offence under section 11 of that Act (terrorist threats relating to radioactive devices etc).
- 174 (1) Aiding, abetting, counselling or procuring the commission of an offence specified in the preceding paragraphs of this Part of this Schedule.  
(2) An attempt to commit such an offence.  
(3) Conspiracy to commit such an offence.  
(4) Incitement to commit such an offence.  
(5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which an offence specified in the preceding paragraphs of this Part of this Schedule is the offence (or one of the offences) which the person intended or believed would be committed.”
- (6) In Schedule 18A (offences in relation to which a special custodial sentence for offenders of particular concern may be imposed under section 236A)—
- (a) after paragraph 6 insert—
- “6A An offence under section 11 of the Terrorism Act 2000 (membership of a proscribed organisation).
- 6B An offence under section 12 of that Act (inviting support for a proscribed organisation).”;
- (b) after paragraph 9 insert—
- “9A An offence under section 58 of that Act (collection of information likely to be of use to a terrorist).
- 9B An offence under section 58A of that Act (publishing information about members of the armed forces etc).
- 9C An offence under section 58B of that Act (entering or remaining in a designated area).”;
- (c) after paragraph 13 insert—
- “13A An offence under section 1 of the Terrorism Act 2006 (encouragement of terrorism).

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- 13B An offence under section 2 of that Act (dissemination of terrorist publications).”;
- (d) after paragraph 15 insert—
- “15A An offence under section 8 of that Act (attendance at a place used for terrorist training).”

**Textual Amendments**

**F2** S. 9(3)(4) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**Modifications etc. (not altering text)**

**C2** S. 9 modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), **ss. 1, 5(2)(3)**; [S.I. 2012/1236](#), reg. 2

**10 Extended sentences for terrorism offences: Scotland**

- (1) Section 210A of the Criminal Procedure (Scotland) Act 1995 (extended sentences for sex and violent offenders) is amended as follows.
- (2) In the heading, for “sex and violent offenders” substitute “sex, violent and terrorist offenders”.
- (3) In subsection (1)—
  - (a) for “or violent” substitute “, violent or terrorism”;
  - (b) in paragraph (a)(ii), after “violent” insert “ or terrorism”.
- (4) In subsection (3)—
  - (a) omit “and” at the end of paragraph (a);
  - (b) after paragraph (b) insert “, and
  - (c) a terrorism offence, ten years.”
- (5) In subsection (10)—
  - (a) in the definition of “imprisonment”, omit “and” at the end of paragraph (ii);
  - (b) after that definition insert—
 

““terrorism offence” means—

    - (a) an offence under any of the following provisions of the Terrorism Act 2000—
      - (i) section 11 (membership of a proscribed organisation),
      - (ii) section 12 (inviting support for a proscribed organisation),
      - (iii) section 54 (weapons training),
      - (iv) section 56 (directing a terrorist organisation),
      - (v) section 57 (possession of article for terrorist purposes),

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- (vi) section 58 (collection of information likely to be of use to a terrorist),
  - (vii) section 58A (publishing information about members of the armed forces etc),
  - (viii) section 58B (entering or remaining in a designated area), or
  - (ix) section 59 (inciting terrorism overseas),
- (b) an offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- (i) section 47 (use etc of nuclear weapons),
  - (ii) section 50 (assisting or inducing certain weapons-related acts overseas), or
  - (iii) section 113 (use of noxious substance or thing to cause harm or intimidate),
- (c) an offence under any of the following provisions of the Terrorism Act 2006—
- (i) section 1 (encouragement of terrorism),
  - (ii) section 2 (dissemination of terrorist publications),
  - (iii) section 5 (preparation of terrorist acts),
  - (iv) section 6 (training for terrorism),
  - (v) section 8 (attendance at a place used for terrorist training),
  - (vi) section 9 (making or possession of radioactive device or material),
  - (vii) section 10 (misuse of radioactive device or material for terrorist purposes etc), or
  - (viii) section 11 (terrorist threats relating to radioactive devices etc),
- (d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in paragraphs (a) to (c),
- (e) an offence of attempting to commit such an offence,
- (f) an offence of conspiring to commit such an offence; and”.

## **11 Extended sentences for terrorism offences: Northern Ireland**

- (1) The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) is amended as follows.
- (2) In Article 12 (meaning of “specified offence” etc)—
- (a) in paragraph (1), for “or a specified sexual offence” substitute “, a specified sexual offence or a specified terrorism offence”;
  - (b) in paragraph (3), after the definition of “specified sexual offence” insert—  
““specified terrorism offence” means an offence specified in Part 3 of that Schedule.”
- (3) In Article 14 (extended custodial sentence for certain violent or sexual offences), in paragraph (8), in sub-paragraph (b) at the end insert “ or a specified terrorism offence”.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Sentencing. (See end of Document for details)*

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- (4) In Schedule 2 (specified offences for the purposes of certain sentencing provisions in Chapter 3, relating to dangerous offenders), after Part 2 insert—

### “PART 3

#### SPECIFIED TERRORISM OFFENCES

##### **The Terrorism Act 2000 (c. 11)**

- 1 An offence under—
- section 11 (membership of a proscribed organisation),
  - section 12 (inviting support for a proscribed organisation),
  - section 54 (weapons training),
  - section 56 (directing a terrorist organisation),
  - section 57 (possession of article for terrorist purposes),
  - section 58 (collection of information likely to be of use to a terrorist),
  - section 58A (publishing information about members of the armed forces etc),
  - section 58B (entering or remaining in a designated area), or
  - section 59 (inciting terrorism overseas).

##### **The Anti-terrorism, Crime and Security Act 2001 (c. 24)**

- 2 An offence under—
- section 47 (use etc of nuclear weapons),
  - section 50 (assisting or inducing certain weapons-related acts overseas), or
  - section 113 (use of noxious substance or thing to cause harm or intimidate).

##### **The Terrorism Act 2006 (c. 11)**

- 3 An offence under—
- section 1 (encouragement of terrorism),
  - section 2 (dissemination of terrorist publications),
  - section 5 (preparation of terrorist acts),
  - section 6 (training for terrorism),
  - section 8 (attendance at a place used for terrorist training),
  - section 9 (making or possession of radioactive device or material),
  - section 10 (misuse of radioactive device or material for terrorist purposes etc), or
  - section 11 (terrorist threats relating to radioactive devices etc).

##### **Other offences**

- 4 An offence of—
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,



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- (b) conspiring to commit an offence so specified, or
- (c) attempting to commit an offence so specified.

5 An offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to an offence specified in this Part of this Schedule.”

**Changes to legislation:**

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