



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 1

SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

Life or indeterminate sentences for serious terrorism offences

11 Minimum term order for serious terrorism offenders: England and Wales

In section 323 of the Sentencing Code (minimum term order: other life sentences), after subsection (2) insert—

“(3) Subsection (2) is subject to the requirement that the minimum term in a serious terrorism case must be at least 14 years.

This is subject to subsections (5) and (6).

- (4) A “serious terrorism case” is a case where, but for the fact that the court passes a life sentence, the court would be required by section 268B(2) or 282B(2) to impose a serious terrorism sentence (assuming for this purpose that the court is not of the opinion mentioned in section 268B(2) or 282B(2)).
- (5) The minimum term may be less than 14 years if the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify a lesser period.
- (6) The minimum term may be less than 14 years if the court considers it appropriate, taking into account—
- (a) the matters mentioned in subsection (2)(c), and

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- (b) the effect that the following would, if the court had sentenced the offender under section 268B(2) or 282B(2), have had in relation to the appropriate custodial term for that sentence—
 - (i) section 73 (reductions for guilty pleas), and
 - (ii) section 74 (reductions for assistance to the prosecution).”

12 **Minimum punishment part for serious terrorism offenders: Scotland**

After section 205ZA of the Criminal Procedure (Scotland) Act 1995 (inserted by section 6) insert—

“205ZB Minimum punishment part where life sentence imposed for serious terrorism offence

- (1) This section applies where—
 - (a) section 205ZA(1)(a) to (d) and (f) applies in relation to a person, and
 - (b) the court—
 - (i) imposes a sentence of imprisonment for life or a sentence of detention for life in a young offenders institution on the person, or
 - (ii) makes an order for lifelong restriction in respect of the person.
- (2) In making under section 2(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 an order mentioned in section 2(2) of that Act in respect of the offender, the court must specify a punishment part of at least 14 years (but subject to subsection (3) and section 196(1C) of this Act).
- (3) The punishment part may be less than 14 years if the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or to the offender, and
 - (b) justify a lesser period.
- (4) Before forming an opinion for the purposes of section 205ZA(1)(d) (by virtue of subsection (1)), the court must—
 - (a) consider a report by a relevant officer of a local authority about the offender and the offender’s circumstances, and
 - (b) if the court thinks it necessary, hear that officer.
- (5) In this section, “local authority” and “relevant officer” have the meanings given by section 27 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.”

13 **Minimum tariff for serious terrorism offenders given life sentences: Northern Ireland**

- (1) The Life Sentences (Northern Ireland) Order 2001 ([S.I. 2001/2564 \(N.I. 2\)](#)) is amended as follows.
- (2) In Article 5(2) (length of tariff), after “shall” insert “(subject to Article [5A](#) (serious terrorism cases))”.
- (3) After Article 5 insert—

“5A Minimum tariff in serious terrorism cases

- (1) If the court makes an order under Article 5(1) in a serious terrorism case, the part of the sentence specified in the order must be at least 14 years.

This is subject to paragraphs (2) to (4).

- (2) The court may, to the extent that it considers appropriate in order to take into account a guilty plea in accordance with Article 33(1) of the Criminal Justice (Northern Ireland) Order 1996, specify a period of less than 14 years but (subject to paragraphs (3) and (4)) no less than 11 years and 73 days.
- (3) The court may specify a lesser period than that otherwise required by paragraph (1) or (2) if the court is of the opinion that it is appropriate to do so on taking account of matters under section 73(2) of the Serious Organised Crime and Police Act 2005 (assistance given or offered to investigator or prosecutor).
- (4) The court may specify a lesser period than that otherwise required by paragraph (1) or (2) if the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender; and
 - (b) justify the specification of a lesser period.
- (5) For the purposes of this Article, a “serious terrorism case” is a case where, if the court did not impose a life sentence or an indeterminate custodial sentence, it would be required by Article 13A of the Criminal Justice (Northern Ireland) Order 2008 to impose a serious terrorism sentence (assuming for this purpose that the court was not of the opinion mentioned in paragraph (2) of that Article).
- (6) In paragraph (5), “indeterminate custodial sentence” means a sentence under Article 13(4) of the Criminal Justice (Northern Ireland) Order 2008.”

14 Minimum custodial period for serious terrorism offenders given indeterminate custodial sentences: Northern Ireland

- (1) Article 13 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (life sentences and indeterminate custodial sentences) is amended as follows.
- (2) In paragraph (3)(b), after “being” insert “(subject to paragraphs (3A) to (3E))”.
- (3) After paragraph (3) insert—
- “(3A) In a serious terrorism case, the period specified under paragraph (3)(b) must (subject to paragraphs (3C) to (3E)) be at least 14 years.
- (3B) A “serious terrorism case” is a case where, but for the fact that the court is required to impose an indeterminate custodial sentence, it would be required by Article 13A to impose a serious terrorism sentence (assuming for this purpose that the court was not of the opinion mentioned in paragraph (2) of that Article).
- (3C) The court may, to the extent that it considers appropriate in order to take into account a guilty plea in accordance with Article 33(1) of the Criminal

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Justice (Northern Ireland) Order 1996, specify a period of less than 14 years but (subject to paragraphs (3D) and (3E)) no less than 11 years and 73 days.

- (3D) The court may specify a lesser period than that otherwise required by paragraph (3A) or (3C) if the court is of the opinion that it is appropriate to do so on taking account of matters under section 73(2) of the Serious Organised Crime and Police Act 2005 (assistance given or offered to investigator or prosecutor).
- (3E) The court may specify a lesser period than that otherwise required by paragraph (3A) or (3C) if the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender; and
 - (b) justify the specification of a lesser period.”