

*These notes refer to the Terrorism Act 2006 (c.11)
which received Royal Assent on 30 March 2006*

TERRORISM ACT 2006

EXPLANATORY NOTES

COMMENTARY

Definitions

Part 3

Section 37 – Consequential amendments and repeals

163. **Section 37** makes a number of consequential amendments to the TACT and introduces Schedule 3 to the Act which makes a number of repeals. All of these repeals are consequential on the substantive changes made elsewhere in the Act.

Subsections (1) to (4)

164. **Subsection (1)** amends the definition of “terrorist investigation” in the TACT to include investigation of the offences in Part 1 of this Act, other than sections 1 and 2. **Subsection (2)** amends section 117 of the TACT relating to consents to prosecutions. The amendment provides that, if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland, that an offence to which the consent to prosecutions provisions in the TACT apply, has been carried out for a purpose wholly or partly connected with the affairs of a country other than the UK, prosecution will only proceed if the Attorney General, or, in Northern Ireland, the Advocate General for Northern Ireland, agrees with the DPP’s or the DPP for Northern Ireland’s decision to consent. The subsection also provides a transitional provision in relation to section 27(1) of the Justice (Northern Ireland) Act 2002. Before that provision comes into force the Advocate General for Northern Ireland will not be in existence and so during that time the Attorney General for Northern Ireland must agree with the DPP for Northern Ireland instead. **Subsection (3)** amends the TACT to provide for supplemental powers of the courts in respect of forfeiture orders made under sections 54, 58 and 103 of that Act, entitling the courts to make any such provision as appears to be necessary for giving effect to forfeiture. **Subsection (4)** adds the offences in Part 1 of this Act to the list of Scheduled Offences in Schedule 9 to the TACT. These are offences in respect of which special procedures, such as trial without jury, apply in Northern Ireland.