

# COUNTER-TERRORISM ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 – Notification Requirements**

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

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

121. The effect of section 44 is that the notification requirements do not apply to anyone under the age of 16 on the date of their being dealt with by the court in a way which would otherwise trigger those requirements.

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

122. [Section 45](#) provides that the notification requirements apply to a person who: (a) is convicted of a relevant offence and receives a sentence of imprisonment or detention for a period or term of 12 months or more in relation to that offence (including life and indeterminate sentences); or (b) is convicted, found not guilty by reason of insanity or found to be under a disability and to have done the act charged in respect of such an offence punishable by 12 months' imprisonment or more and is made subject to a hospital order. The section sets out all the different types of sentences that could be given in each jurisdiction of the UK for 12 months or more, all of which will trigger the notification requirements when given for a relevant offence.

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

123. [Section 46](#) allows the Secretary of State to change the sentence threshold for a person to be subject to the notification requirements (currently 12 months) by an order subject to the affirmative resolution procedure. The order will have effect subject to the transitional provisions described in *subsection (3)*.