

# COUNTER-TERRORISM ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 8 – Supplementary Provisions

##### General definitions

##### *Section 92 – Meaning of “terrorism”*

249. This section defines “terrorism” for the purposes of the Act by reference to the definition of terrorism in section 1 of the 2000 Act (which is amended by section 75 of the Act).

##### *Section 93 – Meaning of offence having a “terrorist connection”*

250. This section defines for the purposes of this Act what is meant by an offence having a “terrorist connection”. This is relevant to the provisions on aggravated sentencing (see sections 30 to 33) which apply in England and Wales and in Scotland (but not in Northern Ireland), forfeiture (see section 35) and notification (see section 42).

##### *Section 94 – Meaning of “ancillary offence”*

251. This section defines “ancillary offence” for the purposes of this Act. There are references to ancillary offences in the lists of offences to which the provisions on post-charge questioning, aggravated sentencing, forfeiture and notification apply.

##### *Section 95 – Meaning of “service court” and “service offence”*

252. This section defines what is meant by “service court” and “service offence”, both by reference to relevant provisions in the Armed Forces Act 2006 (which have not yet been commenced) and by reference to relevant provisions in the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (which will be repealed when the relevant provisions of the Armed Forces Act 2006 come into force). “Service court” and “service offence” are referred to in sections 32 and 59 or and Schedule 6 to this Act.

##### Orders and regulations

##### *Section 96 – Orders and regulations*

253. This section provides that orders and regulations under the Act must be made by statutory instrument but that orders and regulations are interchangeable. It also makes general provision which allows such subordinate legislation to make different provision for different cases or circumstances and to include supplementary, incidental, consequential, transitional and saving provisions.

##### *Section 97 – Orders and regulations: affirmative and negative resolution procedure*

254. This section describes what is meant by the affirmative and negative resolution procedures. It also allows statutory instruments made under the Act to be subject to a

*These notes refer to the Counter-Terrorism Act 2008  
(c.28) which received Royal Assent on 26 November 2008*

Parliamentary procedure offering a higher level of scrutiny than that provided for in the Act.

## **Financial provisions**

### ***Section 98 - Financial provisions***

255. This is a standard section relating to money to be paid out and received as a result of provisions of the Act.

## **Final provisions**

### ***Section 100 – Commencement***

256. This section makes specific provision as to when various provisions in the Act are to come into force and provides that other provisions are to be commenced by order (which may also make transitional and saving provisions).

### ***Section 101 – Extent***

257. This section provides that the provisions of this Act extend to the whole of the UK except as provided otherwise in the sections of the Act, and that the extent of amendments or repeals to existing legislation correspond to the extent of that existing legislation.