



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 1

SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

Offences to be sentenced as terrorist offences

1 Offences aggravated by terrorist connection

- (1) The Sentencing Code is amended as set out in subsections (2) and (3).
- (2) In section 69 (offences aggravated by terrorist connection)—
 - (a) in subsection (1), for the words from “specified” to the end substitute “ within subsection (4) or (5) ”;
 - (b) after subsection (3) insert—
 - “(4) An offence is within this subsection if it—
 - (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (b) is punishable on indictment with imprisonment for more than 2 years, and
 - (c) is not specified in Schedule A1.
 - (5) An offence is within this subsection if it—
 - (a) was committed before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
 - (b) is specified in Schedule 1.
- (6) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days,

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it must be taken for the purposes of subsections (4) and (5) to have been committed on the last of those days.”

(3) Before Schedule 1 insert, as Schedule A1, the Schedule set out in Part 1 of Schedule 1 to this Act.

(4) The Counter-Terrorism Act 2008 is amended as follows.

(5) In section 30 (offences aggravated by terrorist connection: Northern Ireland)—

- (a) in subsection (1), for the words from “specified” to the end substitute “ within subsection (5A) or (5B) ”;
- (b) after subsection (5) insert—

“(5A) An offence is within this subsection if it—

- (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
- (b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and
- (c) is not specified in Schedule 1A.

(5B) An offence is within this subsection if it—

- (a) was committed—
 - (i) on or after 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which extended this section to Northern Ireland, came into force), but
 - (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
- (b) is specified in Schedule 2.

(5C) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (5A) and (5B) to have been committed on the last of those days.”;

(c) omit subsection (6).

(6) In section 31 (offences aggravated by terrorist connection: Scotland)—

- (a) in subsection (1), for the words from “specified” to “considered)” substitute “ within subsection (4A) or (4B) ”;
- (b) after subsection (4) insert—

“(4A) An offence is within this subsection if it—

- (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
- (b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and
- (c) is not specified in Schedule 1A.

(4B) An offence is within this subsection if it—

- (a) was committed—

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- (i) on or after the relevant date, but
 - (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
 - (b) is specified in Schedule 2.
 - (4C) The relevant date for the purposes of subsection (4B)(a)(i) is—
 - (a) 18 June 2009 (being the date on which this section came into force), in relation to any offence that is not mentioned in paragraph (b);
 - (b) 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which amended Schedule 2, came into force) in relation to any of the following offences under the law of Scotland—
 - (i) assault by explosive device;
 - (ii) assault to severe injury;
 - (iii) assault and poisoning;
 - (iv) poisoning.
 - (4D) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (4A) to (4C) to have been committed on the last of those days.”;
 - (c) omit subsection (5).
- (7) After Schedule 1 insert, as Schedule 1A, the Schedule set out in Part 2 of Schedule 1 to this Act.

Commencement Information

II S. 1 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(a)(3)(a)

2 Meaning of “serious terrorism offence”: England and Wales

In the Sentencing Code—

- (a) in section 306 (extended sentences: meaning of “specified offence” etc), in subsection (2), after the definition of “serious harm” insert—
 - ““serious terrorism offence” means an offence that—
 - (a) is specified in Part 1 of Schedule 17A, or
 - (b) is specified in Part 2 of that Schedule and has been determined to have a terrorist connection under section 69;”;
- (b) after Schedule 17 insert, as Schedule 17A, the Schedule set out in Schedule 2 to this Act.

3 Offences relevant for provisions of this Act relating to Northern Ireland

- (1) The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) is amended as follows.

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- (2) In Article 12 (interpretation of Chapter 3 of Part 2 (dangerous offenders and other terrorist offenders))—
- (a) in paragraph (3), before the definition of “life sentence” insert—
- ““determination of terrorist connection”, in relation to an offence, means a determination by the court that the offence has a terrorist connection under section 30 of the Counter-Terrorism Act 2008;”;
- (b) after paragraph (5) insert—
- “(6) Schedule 2A specifies certain terrorism offences, and other offences which may be determined to have a terrorist connection, for the purposes of various provisions of this Chapter and Chapter 4, and makes related provision.
- (7) In this Chapter “serious terrorism offence” means—
- (a) an offence within Part 2 of Schedule 2A (terrorism offences punishable with life imprisonment); or
- (b) an offence within Part 3 of that Schedule (offences with possible terrorist connection punishable with life imprisonment) in respect of which a determination of terrorist connection is made.”
- (3) After Schedule 2 insert, as Schedule 2A, the Schedule set out in Schedule 3 to this Act.

Serious terrorism sentences

4 Serious terrorism sentence for adults aged under 21: England and Wales

After section 268 of the Sentencing Code insert—

“Serious terrorism sentence

268A Serious terrorism sentence of detention in a young offender institution

A serious terrorism sentence of detention in a young offender institution is a sentence of detention in a young offender institution the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 268C), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

268B Serious terrorism sentence of detention in a young offender institution: circumstances in which required

- (1) Subsection (2) applies where a court is dealing with an offender for a serious terrorism offence (see section 306(2)) where—
- (a) the offence was committed on or after the day on which section 4 of the Counter-Terrorism and Sentencing Act 2021 came into force,
- (b) the offender was aged 18 or over when the offence was committed,

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- (c) the offender is aged under 21 when convicted of the offence,
 - (d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences (see section 308),
 - (e) the court does not impose a sentence of custody for life, and
 - (f) the risk of multiple deaths condition is met.
- (2) The court must impose a serious terrorism sentence of detention in a young offender institution under section 268A unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
- (a) either—
 - (i) the serious terrorism offence, or
 - (ii) the combination of the offence and one or more offences associated with it,was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000), and
 - (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.
- (6) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

268C Term of serious terrorism sentence of detention in a young offender institution

- (1) This section applies where the court dealing with an offender is required by section 268B to impose a serious terrorism sentence of detention in a young offender institution under section 268A.
- (2) The appropriate custodial term is—
- (a) 14 years, or
 - (b) if longer, the term of detention in a young offender institution that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences) if the court did not impose a serious terrorism sentence (or an extended sentence or a sentence under section 265).
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious

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harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences.

This is subject to subsection (4).

- (4) The extension period must—
- (a) be at least 7 years, and
 - (b) not exceed 25 years.”

5 Serious terrorism sentence for adults aged 21 or over: England and Wales

After section 282 of the Sentencing Code insert—

“Serious terrorism sentence

282A Serious terrorism sentence of imprisonment: persons 21 or over

A serious terrorism sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 282C), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

282B Serious terrorism sentence of imprisonment: circumstances in which required

- (1) Subsection (2) applies where a court is dealing with an offender for a serious terrorism offence (see section 306(2)) where—
 - (a) the offence was committed on or after the day on which section 5 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (b) the offender was aged 18 or over when the offence was committed,
 - (c) the offender is aged 21 or over when convicted of the offence,
 - (d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences (see section 308),
 - (e) the court does not impose a sentence of imprisonment for life, and
 - (f) the risk of multiple deaths condition is met.
- (2) The court must impose a serious terrorism sentence of imprisonment under section 282A unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
 - (a) either—
 - (i) the serious terrorism offence, or
 - (ii) the combination of the offence and one or more offences associated with it,

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was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000), and

- (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.
- (6) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

282C Term of serious terrorism sentence of imprisonment

- (1) This section applies where the court dealing with an offender is required by section 282B to impose a serious terrorism sentence of imprisonment under section 282A.
- (2) The appropriate custodial term is—
 - (a) 14 years, or
 - (b) if longer, the term of imprisonment that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences) if the court did not impose a serious terrorism sentence of imprisonment (or an extended sentence or a sentence under section 278).
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences.

This is subject to subsection (4).

- (4) The extension period must—
 - (a) be at least 7 years, and
 - (b) not exceed 25 years.”

6 Serious terrorism sentence: Scotland

- (1) After section 205 of the Criminal Procedure (Scotland) Act 1995 insert—

“205ZA Serious terrorism sentence

- (1) This section applies where—
 - (a) a person is convicted on indictment of a serious terrorism offence,
 - (b) the offence was committed on or after the day on which section 6 of the Counter-Terrorism and Sentencing Act 2021 comes into force,
 - (c) the offender was aged 18 or over when the offence was committed,

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- (d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further serious terrorism offences or other terrorism offences to which section 210A applies,
 - (e) the court does not impose a sentence of imprisonment for life or a sentence of detention for life in a young offenders institution,
 - (f) the court does not make an order for lifelong restriction, and
 - (g) the risk of multiple deaths condition is met.
- (2) Where the offender is 21 years of age or over, the court must impose a serious terrorism sentence of imprisonment unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
- (a) either—
 - (i) the serious terrorism offence, or
 - (ii) the combination of the offence and one or more offences associated with it,
 was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000), and
 - (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) A serious terrorism sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (6) Where the offender is under 21 years of age, the court must impose a serious terrorism sentence of detention unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (7) A serious terrorism sentence of detention is a sentence of detention in a young offenders institution the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (8) The appropriate custodial term is—
- (a) 14 years, or

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- (b) if longer, the term of imprisonment or, as the case may be, detention that would be imposed in respect of the offence if the court did not impose a serious terrorism sentence of imprisonment or, as the case may be, a serious terrorism sentence of detention (or a sentence under section 205ZC or an extended sentence under section 210A).
- (9) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further serious terrorism offences or other terrorism offences to which section 210A applies (but subject to subsection (10)).
- (10) The extension period must—
 - (a) be at least 7 years, and
 - (b) not exceed 25 years.
- (11) Before forming an opinion for the purposes of subsection (1)(d), 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.
- (12) In this section—
 - “local authority” and “relevant officer” have the meanings given by section 27 of the Prisoners and Criminal Proceedings (Scotland) Act 1993;
 - “serious terrorism offence” means an offence that—
 - (a) is specified in Part 1 of Schedule 5ZA, or
 - (b) is specified in Part 2 of that Schedule and has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008.”
- (2) After Schedule 5 to that Act insert, as Schedule 5ZA, the Schedule set out in Schedule 4 to this Act.

7 **Serious terrorism sentence: Northern Ireland**

In the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), after Article 13 insert—

“13A **Serious terrorism sentence**

- (1) This Article applies where—
 - (a) a person is convicted on indictment of a serious terrorism offence;
 - (b) the offence was committed after the commencement of section 7 of the Counter-Terrorism and Sentencing Act 2021;
 - (c) at the time when the offence was committed the offender was aged 18 or over;
 - (d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further serious terrorism offences or specified offences;

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- (e) the court does not impose a life sentence or an indeterminate custodial sentence; and
 - (f) the risk of multiple deaths condition is met.
- (2) The court shall impose a serious terrorism sentence, unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender; and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
- (a) either—
 - (i) the offence referred to in paragraph (1)(a); or
 - (ii) the combination of that offence and one or more offences associated with it,
 was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000); and
 - (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) Where the offender is aged 21 or over, a serious terrorism sentence is a sentence of imprisonment the term of which is equal to the aggregate of—
- (a) the appropriate custodial term; and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence.
- (6) Where the offender is under the age of 21, a serious terrorism sentence is a sentence of detention at such place and under such conditions as the Department of Justice may direct for a term which is equal to the aggregate of—
- (a) the appropriate custodial term; and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence.
- (7) A person detained pursuant to the directions of the Department of Justice under paragraph (6) shall while so detained be in legal custody.
- (8) In paragraphs (5)(a) and (6)(a), “the appropriate custodial term” means (subject to paragraphs (9) and (10))—
- (a) a term of 14 years; or
 - (b) if longer, the term that would (apart from this Article and Articles 14 and 15A) be imposed in compliance with Article 7 (length of custodial sentences).
- (9) 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 an appropriate custodial term of less than 14 years but no less than 11 years and 73 days.
- (10) The court may specify a lesser period than that otherwise required by paragraph (8) or (9) if the court is of the opinion that it is appropriate to do so on

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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).

- (11) The extension period under paragraph (5)(b) or (6)(b)—
- (a) must be at least seven years and must not exceed 25 years; and
 - (b) subject to those limits, is to be of such length as the court considers necessary for the purpose of protecting members of the public from the risk of harm referred to in paragraph (1)(d).
- (12) A court which imposes a serious terrorism sentence shall not make an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences) in relation to that sentence.
- (13) Remission shall not be granted under prison rules to the offender in respect of a sentence imposed under this Article.”

Serious terrorism sentences: supplementary provision

8 Reduction in appropriate custodial term for guilty pleas: England and Wales

In section 73 of the Sentencing Code (reduction in sentences for guilty pleas), after subsection (2) insert—

“(2A) If the court imposes a serious terrorism sentence in relation to the offence, nothing in section 268C(2) or, as the case may be, 282C(2) prevents the court, after taking into account any matter referred to in subsection (2), from imposing as the appropriate custodial term a term of any length which is not less than 80 per cent of the term which would otherwise be required.”

9 Reduction in appropriate custodial term for guilty pleas: Scotland

In section 196 of the Criminal Procedure (Scotland) Act 1995 (sentence following guilty plea), after subsection (1A) insert—

- “(1B) Subsection (1C) applies where—
- (a) the court is making an order for lifelong restriction to which section 205ZB applies in respect of an offender or imposing on an offender—
 - (i) a serious terrorism sentence of imprisonment under section 205ZA(2),
 - (ii) a serious terrorism sentence of detention under section 205ZA(6),
 - (iii) a sentence of imprisonment for life to which section 205ZB applies, or
 - (iv) a sentence of detention for life to which section 205ZB applies, and
 - (b) the offender has pled guilty to the offence for which the offender is being sentenced.
- (1C) The court may, after taking into account the matters mentioned in paragraphs (a) and (b) of subsection (1), impose as the appropriate custodial term or, as the case may be, specify as the punishment part, a term of any length which is not less than 80 per cent of the term which would otherwise be required.”

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10 Reduction in appropriate custodial term for assistance to prosecution: England and Wales

In section 74 of the Sentencing Code (reduction in sentence for assistance to prosecution), after subsection (4) insert—

“(4A) Nothing in section 268C(2) or 282C(2) (minimum appropriate custodial term for serious terrorism sentences) affects the court's power under subsection (2) so far it relates to determining the appropriate custodial term.”

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
 - (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).”

Commencement Information

12 S. 11 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(f)(3)(b)

12 Minimum punishment part for serious terrorism offenders: Scotland

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

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“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.

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- (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 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—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (a) relate to the offence or to the offender; and
- (b) justify the specification of a lesser period.”

Extended sentences

15 Additional offences attracting extended sentence: England and Wales

- (1) Part 1 of Schedule 18 to the Sentencing Code (specified violent offences attracting extended sentence) is amended as follows.
- (2) In paragraph 5 (offences under the Explosive Substances Act 1883), at the end insert—
 - “(d) section 5 (punishment of accessories to offences of causing or attempting to cause explosions or making or possessing explosives) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”
- (3) After paragraph 11 insert—

11A “Biological Weapons Act 1974

An offence under section 1 of the Biological Weapons Act 1974 (developing certain biological agents and toxins or biological weapons) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (4) In paragraph 13 (offences under the Aviation Security Act 1982), at the end insert—
 - “(e) section 6(2) (inducing or assisting the commission of offences relating to safety of aircraft) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”
- (5) After paragraph 13 insert—

13A “Nuclear Material (Offences) Act 1983

An offence under either of the following provisions of the Nuclear Material (Offences) Act 1983 in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force—

- (a) section 1B (offences relating to damage to the environment);
- (b) section 2 (preparatory acts and threats).”

- (6) In paragraph 19 (offences under the Aviation and Maritime Security Act 1990), at the end insert—
 - “(g) section 14(4) (inducing or assisting the commission of offences relating to hijacking of ships, or destroying ships or fixed platforms or endangering their safety) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”
- (7) After paragraph 20 insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

20A “Chemical Weapons Act 1996

An offence under either of the following provisions of the Chemical Weapons Act 1996 in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force—

- (a) section 2 (use etc of chemical weapons);
- (b) section 11 (premises or equipment used for producing chemical weapons).”

Commencement Information

I3 S. 15 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(h)(3)(c)

16 Increase in extension period for serious terrorism offenders aged under 18: England and Wales

- (1) Section 256(4) of the Sentencing Code (limits on extension period in term of extended sentence of detention) is amended as follows.
- (2) In paragraph (b)—
 - (a) in sub-paragraph (i), at the end insert “ (unless sub-paragraph (iii) applies) ”;
 - (b) in sub-paragraph (ii), at the end insert “ (unless sub-paragraph (iii) applies) ”;
 - (c) after sub-paragraph (ii) insert—
 - “(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 16 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”
- (3) In the words after paragraph (b), for “and “specified terrorism offence”” substitute “, “specified terrorism offence” and “serious terrorism offence””.

Commencement Information

I4 S. 16 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(i)(3)(d)

17 Increase in extension period for adult serious terrorism offenders aged under 21: England and Wales

- (1) Section 268(4) of the Sentencing Code (limits on extension period in term of extended sentence of detention in a young offender institution) is amended as follows.
- (2) In paragraph (b)—
 - (a) in sub-paragraph (i), at the end insert “ (unless sub-paragraph (iii) applies); ”;
 - (b) in sub-paragraph (ii), at the end insert “ (unless sub-paragraph (iii) applies); ”;
 - (c) after sub-paragraph (ii) insert—
 - “(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

on which section 17 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (3) In the words after paragraph (b), for “and “specified terrorism offence”” substitute “, “specified terrorism offence” and “serious terrorism offence””.

Commencement Information

I5 S. 17 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(j)(3)(e)

18 Increase in extension period for serious terrorism offenders aged 21 or over: England and Wales

- (1) Section 281(4) of the Sentencing Code (limits on extension period in term of extended sentence of imprisonment) is amended as follows.

- (2) In paragraph (b)—

- (a) in sub-paragraph (i), at the end insert “ (unless sub-paragraph (iii) applies) ”;
- (b) in sub-paragraph (ii), at the end insert “ (unless sub-paragraph (iii) applies) ”;
- (c) after sub-paragraph (ii) insert—

“(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 18 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (3) In the words after paragraph (b), for “and “specified terrorism offence”” substitute “, “specified terrorism offence” and “serious terrorism offence””.

Commencement Information

I6 S. 18 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(j)(3)(e)

19 Additional terrorism offences attracting extended sentence: Scotland

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

- (2) In section 210A(10) (extended sentences for terrorist offenders etc: interpretation), for the definition of “terrorism offence” substitute—

““terrorism offence” means an offence that—

- (a) is specified in Part 1 of Schedule 5ZC, or
- (b) is specified in Part 2 of that Schedule and has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008;”.

- (3) After Schedule 5ZB to that Act (inserted by section 23) insert, as Schedule 5ZC, the Schedule set out in Schedule 5 to this Act.

20 Extended custodial sentences for serious terrorism offenders: Northern Ireland

- (1) Article 14 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (extended custodial sentences) is amended as follows.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (2) In paragraph (1)—
- (a) in sub-paragraph (a), for the words from “convicted” to the end (including the final “and”) substitute “—
 - (i) convicted on indictment of a specified offence; or
 - (ii) convicted after the commencement of section 20 of the Counter-Terrorism and Sentencing Act 2021 of any other offence that is a serious terrorism offence;”;
 - (b) after sub-paragraph (a) insert—
 - “(aa) the offence was committed after the commencement of this Article; and”.
- (3) In paragraph (8)—
- (a) in sub-paragraph (a), for “; and” substitute “ (unless sub-paragraph (c) applies); ”;
 - (b) in sub-paragraph (b), at the end insert “ (unless sub-paragraph (c) applies); and ”;
 - (c) after sub-paragraph (b) insert—
 - “(c) ten years in the case of a serious terrorism offence for which the offender is convicted after the commencement of section 20 of the Counter-Terrorism and Sentencing Act 2021.”

Other custodial sentences for terrorist offenders

21 Offences attracting special custodial sentence for offenders of particular concern: England and Wales

- (1) In the Sentencing Code, for Schedule 13 (offences attracting special custodial sentence for offenders of particular concern) substitute the Schedule set out in Schedule 6 to this Act.
- (2) The amendment made by subsection (1) does not apply where a person is convicted of an offence before the day on which this section comes into force.

Commencement Information

I7 [S. 21](#) in force at 30.4.2021 for specified purposes and otherwise prosp. see [s. 50\(1\)\(b\)\(3\)\(f\)](#)

22 Special custodial sentence for certain terrorist offenders aged under 18 at time of offence: England and Wales

- (1) The Sentencing Code is amended as follows.
- (2) After section 252 insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

“Special custodial sentence for terrorist offenders

252A Required special sentence of detention for terrorist offenders of particular concern

- (1) Subsections (3) to (5) apply where—
 - (a) a person aged under 18 is convicted of an offence listed in Part 1 of Schedule 13 (offences involving or connected with terrorism),
 - (b) the offence was committed on or after the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (c) the court does not impose either of the following for the offence (or for an offence associated with it)—
 - (i) a sentence of detention for life under section 250, or
 - (ii) an extended sentence of detention under section 254, and
 - (d) the court would, apart from this section, impose a custodial sentence (see, in particular, section 230(2)).
 - (2) In determining for the purposes of subsection (1)(d) whether it would impose a custodial sentence, the court must disregard any restriction on its power to impose such a sentence by reference to the age of the offender.
 - (3) The court must impose a sentence of detention under this section.
 - (4) The term of the sentence must be equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period of 1 year for which the offender is to be subject to a licence,and must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.
 - (5) For the purposes of subsection (4), the “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.
 - (6) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.”
- (3) In section 265 (special sentence of detention in young offender institution for offenders of particular concern)—
- (a) in subsection (1)(b)—
 - (i) omit sub-paragraph (i) (including the final “and”);
 - (ii) in sub-paragraph (ii), after “aged” insert “ at least 18 but ”;
 - (b) after subsection (1) insert—

“(1A) But this section does not apply if—

 - (a) the offender was aged under 18 when the offence was committed, and
 - (b) the offence—
 - (i) was committed before the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force, or

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

(ii) is listed in Part 2 of Schedule 13 (sexual offences).”

(4) In section 278 (special sentence of imprisonment for offenders of particular concern)

- (a) in subsection (1)(b), omit sub-paragraph (i) (including the final “and”);
- (b) after subsection (1) insert—

“(1A) But this section does not apply if—

- (a) the offender was aged under 18 when the offence was committed, and
- (b) the offence—
 - (i) was committed before the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force, or
 - (ii) is listed in Part 2 of Schedule 13 (sexual offences).”

23 Terrorism sentence with fixed licence period: Scotland

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) After section 205ZB (inserted by section 12) insert—

“205ZC Terrorism sentence with fixed licence period

- (1) This section applies where—
 - (a) a person is convicted on indictment of a terrorism offence on or after the day on which section 23 of the Counter-Terrorism and Sentencing Act 2021 comes into force, and
 - (b) the court does not impose one of the following for the offence—
 - (i) a sentence of imprisonment for life to which section 205ZB applies,
 - (ii) a sentence of imprisonment for life to which section 205ZB does not apply but which is imposed for a terrorism offence,
 - (iii) a sentence of detention for life to which section 205ZB applies,
 - (iv) a sentence of detention for life to which section 205ZB does not apply but which is imposed for a terrorism offence (or a sentence of detention without limit of time so imposed),
 - (v) an order for lifelong restriction to which section 205ZB applies,
 - (vi) an order for lifelong restriction to which section 205ZB does not apply but which is imposed for a terrorism offence,
 - (vii) a serious terrorism sentence of imprisonment under section 205ZA(2),
 - (viii) a serious terrorism sentence of detention under section 205ZA(6), or
 - (ix) an extended sentence under section 210A.
- (2) But this section does not apply where—
 - (a) the offender is under the age of 18 when convicted of the offence, and

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (b) the offence was committed before the day on which section 23 of the Counter-Terrorism and Sentencing Act 2021 came into force.
- (3) If the court decides to impose a sentence of imprisonment and the offender is 21 years of age or over, the court must impose a sentence of imprisonment the term of which is equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period of 1 year for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (4) If the offender is at least 16 years of age but under 21 (other than an offender falling within subsection (5)) and the court decides to impose a sentence of detention, the court must impose a sentence of detention in a young offenders institution the term of which is equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period of 1 year for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (5) If the offender is a child and the court decides to impose a sentence of detention, the court must impose a sentence of detention in such place and on such conditions as may be directed under section 208 the term of which is equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period of 1 year for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (6) The “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.
- (7) The term of a sentence of imprisonment or, as the case may be, a sentence of detention, imposed under this section for an offence must not exceed the term that, at the time the offence was committed, was the maximum term permitted for the offence.
- (8) In this section, “terrorism offence” means—
 - (a) an offence that is specified in Schedule 5ZB, or
 - (b) any other offence that has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008.”
- (3) After Schedule 5ZA (inserted by section 6) insert, as Schedule 5ZB, the Schedule set out in Schedule 7 to this Act.

24 **Terrorism sentence with fixed licence period: Northern Ireland**

In the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), after Article 15 insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

“15A **Terrorism sentence with fixed licence period**

- (1) This Article applies where—
 - (a) a person is convicted after the commencement of section 24 of the Counter-Terrorism and Sentencing Act 2021 of—
 - (i) a serious terrorism offence;
 - (ii) an offence within Part 4 of Schedule 2A (terrorism offences punishable with more than two years' imprisonment); or
 - (iii) any other offence in respect of which a determination of terrorist connection is made;
 - (b) the court does not impose, in respect of the offence or any offence associated with it, a life sentence, an indeterminate custodial sentence, a serious terrorism sentence or an extended custodial sentence; and
 - (c) the court decides to impose a custodial sentence.
- (2) But this Article does not apply where—
 - (a) the offender is under the age of 18 when convicted of the offence; and
 - (b) the offence was committed before the commencement of section 24 of the Counter-Terrorism and Sentencing Act 2021.
- (3) The court shall impose on the offender a sentence under this Article.
- (4) Where the offender is aged 21 or over, a sentence under this Article is a sentence of imprisonment the term of which is equal to the aggregate of—
 - (a) the appropriate custodial term; and
 - (b) a further period of one year for which the offender is to be subject to a licence.
- (5) Where the offender is under the age of 21, a sentence under this Article is a sentence of detention at such place and under such conditions as the Department of Justice may direct for a term which is equal to the aggregate of—
 - (a) the appropriate custodial term; and
 - (b) a further period of one year for which the offender is to be subject to a licence.
- (6) The term under paragraph (4) or (5) must not exceed the maximum term of imprisonment with which the offence is punishable (apart from Article 13).
- (7) In paragraphs (4)(a) and (5)(a), the “appropriate custodial term” means the term that, in the opinion of the court, ensures that the sentence is appropriate.
- (8) A person detained pursuant to the directions of the Department of Justice under paragraph (5) shall while so detained be in legal custody.
- (9) A court which imposes a sentence under this Article shall not make an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences) in relation to that sentence.
- (10) Remission shall not be granted under prison rules to the offender in respect of a sentence under this Article.”

Status: Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

PROSPECTIVE

Sentencing for service offences

25 Corresponding provision under service law

Schedule 8 makes provision in relation to sentencing under service law that corresponds to certain provision made by this Part.

Maximum sentences

26 Increase in maximum sentences for certain terrorist offences

- (1) In the Terrorism Act 2000—
 - (a) in section 11(3)(a) (sentence on conviction on indictment for membership of proscribed organisation), for “ten” substitute “ 14 ”;
 - (b) in section 12(6)(a) (sentence on conviction on indictment for inviting or expressing support for proscribed organisation), for “ten” substitute “ 14 ”.
- (2) In the Terrorism Act 2006, in section 8(4)(a) (sentence on conviction on indictment for attendance at place used for terrorist training), for “10” substitute “ 14 ”.
- (3) An amendment made by this section has effect only in relation to an offence committed on or after the day on which this section comes into force.

PART 2

RELEASE OF TERRORIST OFFENDERS

Removal or restriction of early release for terrorist prisoners

27 Removal of early release for dangerous terrorist prisoners: England and Wales

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 247A (restricted eligibility for release on licence of terrorist prisoners) (as amended by Schedule 13)—
 - (a) in subsection (2), for paragraph (a) substitute—

“(a) it is specified in Part 1 or 2 of Schedule 19ZA (terrorism offences punishable with imprisonment for life or for more than two years),”;
 - (b) after subsection (2) insert—

“(2A) Subsections (3) to (5) apply unless the terrorist prisoner's sentence was imposed—

 - (a) under section 226A or 226B or under section 254, 266, 268A, 279 or 282A of the Sentencing Code (extended sentence or serious terrorism sentence for dangerous offenders),

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (b) on or after the day on which section 27 of the Counter-Terrorism and Sentencing Act 2021 comes into force, and
- (c) in respect of an offence that—
 - (i) is specified in Part 1 of Schedule 19ZA (terrorism offences punishable with imprisonment for life),
 - (ii) is a service offence as respects which the corresponding civil offence is so specified,
 - (iii) is specified in Part 3 of that Schedule (other offences punishable with imprisonment for life) and was determined to have a terrorist connection, or
 - (iv) is a service offence as respects which the corresponding civil offence is so specified, and was determined to have a terrorist connection.”

(3) For Schedule 19ZA substitute the Schedule set out in Schedule 9 to this Act.

28 Removal of early release for dangerous terrorist prisoners: Scotland

- (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- (2) In section 1AB (restricted eligibility for release on licence of terrorist prisoners) (as amended by Schedule 13)—
 - (a) in subsection (2), for paragraph (a) substitute—
 - “(a) it is specified in Part 1 or 2 of Schedule 1A (terrorism offences punishable with imprisonment for life or for more than two years),”;
 - (b) after subsection (2) insert—
 - “(2A) Subsections (3) to (5) apply unless the terrorist prisoner's sentence was imposed—
 - (a) under section 205ZA or 210A of the 1995 Act (serious terrorism sentence or extended sentence for dangerous offenders),
 - (b) on or after the day on which section 28 of the Counter-Terrorism and Sentencing Act 2021 comes into force, and
 - (c) in respect of an offence that—
 - (i) is specified in Part 1 of Schedule 1A (terrorism offences punishable with imprisonment for life),
 - (ii) is a service offence as respects which the corresponding civil offence is so specified,
 - (iii) is specified in Part 3 of that Schedule (other offences punishable with imprisonment for life) and was determined to have a terrorist connection, or
 - (iv) is a service offence as respects which the corresponding civil offence is so specified, and was determined to have a terrorist connection.”
- (3) For Schedule 1A substitute the Schedule set out in Schedule 10 to this Act.

Status: Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

29 Further provision about release of terrorist prisoners: Scotland

After section 26 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 insert—

“Terrorism sentences

26ZA Terrorism sentences

- (1) This section applies to a person (other than a life prisoner) (a “terrorist prisoner”) who is serving a terrorism sentence.
- (2) A terrorism sentence is—
 - (a) a sentence of imprisonment imposed under section 205ZA of the 1995 Act (serious terrorism sentence),
 - (b) a sentence of imprisonment imposed under section 205ZC of that Act (terrorism sentence with fixed licence period), or
 - (c) an extended sentence imposed under section 210A of that Act in respect of a terrorism offence.
- (3) Subject to the provisions of this section, this Part, except sections 1AB, 1A and 1B, applies in relation to a terrorism sentence as if any reference to a sentence or term of imprisonment were a reference to the appropriate custodial term of a terrorism sentence.
- (4) Where a terrorist prisoner is released on licence under this Part the licence remains in force until the end of the extension period (but subject to section 17).
- (5) Where, apart from this subsection, a terrorist prisoner would be released unconditionally at the end of the appropriate custodial term—
 - (a) the prisoner must be released on licence, and
 - (b) the licence remains in force until the end of the extension period (but subject to section 17).
- (6) The extension period is to be taken to begin—
 - (a) for the purposes of subsection (4), on the day following the date on which, had there been no extension period, the prisoner would have ceased to be on licence in respect of the appropriate custodial term;
 - (b) for the purposes of subsection (5), on the day on which, apart from that subsection, the prisoner would have been released unconditionally at the end of the appropriate custodial term.
- (7) Where a terrorist prisoner is subject to two or more terrorism sentences, the extension period which is taken to begin in accordance with subsection (6) is the aggregate of the extension period of each of those sentences.
- (8) Subsection (7) is subject to—
 - (a) sections 1A(1)(c) and 1B(11), and
 - (b) in the case of a terrorism sentence imposed under section 205ZA of the 1995 Act, subsection (10) of that section and any direction by the court imposing the sentence.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (9) For the purposes of sections 12(3) and 17(1), the question of whether a terrorist prisoner is a long-term or short-term prisoner is to be determined by reference to the terrorism sentence.
- (10) In the application of this Part to a terrorism sentence—
- (a) references in sections 1A(1)(c) and 16(1)(a) to the date on which a prisoner would have served the prisoner's sentence in full are to be read as if they were references to the date on which the terrorism sentence as originally imposed by the court would expire, and
 - (b) the reference in section 17(5) to a prisoner being liable to be detained in pursuance of the prisoner's sentence is to be read as if it were a reference to the prisoner being liable to be detained until the expiry of the extension period.
- (11) For the purposes of this section—
- “appropriate custodial term”, in relation to a terrorism sentence imposed on a terrorist prisoner, means—
- (a) the term determined as such by the court that imposes the sentence on the prisoner under section 205ZA or, as the case may be, section 205ZC of the 1995 Act, or
 - (b) the term determined as the custodial term by the court that imposes the extended sentence on the prisoner under section 210A of that Act;
- “extension period” means—
- (a) in relation to a sentence of imprisonment imposed on a terrorist prisoner under section 205ZA of the 1995 Act, the period specified as such under that section by the court that imposes the sentence on the prisoner;
 - (b) in relation to a sentence of imprisonment imposed on a terrorist prisoner under section 205ZC of that Act, the period of 1 year specified as such under that section by the court that imposes the sentence on the prisoner;
 - (c) in relation to an extended sentence imposed on a terrorist prisoner under section 210A of that Act in respect of a terrorism offence, the period specified as such under that section by the court that imposes the sentence on the prisoner.”

30 Restricted eligibility for early release of terrorist prisoners: Northern Ireland

- (1) In the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), after Article 20 insert—

“Terrorist prisoners

20A Restricted eligibility for release on licence of terrorist prisoners

- (1) This Article applies to a fixed-term prisoner (a “terrorist prisoner”) who—
- (a) is serving a sentence imposed (whether before or after the commencement date) in respect of an offence within paragraph (2); and

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (b) has not been released on licence before the commencement date.
- (2) An offence is within this paragraph (whenever it was committed) if—
- (a) it is specified in Part 2, 4, 5 or 7 of Schedule 2A (terrorism offences punishable with imprisonment for life or more than two years);
 - (b) it is a service offence as respects which the corresponding civil offence is so specified; or
 - (c) it was determined to have a terrorist connection.
- (3) The Department of Justice shall release the terrorist prisoner on licence under this Article as soon as—
- (a) the prisoner has served the relevant part of the sentence; and
 - (b) the Parole Commissioners have directed the release of the prisoner under this Article.
- (4) The Parole Commissioners shall not give a direction under paragraph (3) with respect to the terrorist prisoner unless—
- (a) the Department of Justice has referred the prisoner's case to them; and
 - (b) they are satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (5) The terrorist prisoner may require the Department of Justice to refer the prisoner's case to the Parole Commissioners at any time—
- (a) after the prisoner has served the relevant part of the sentence; and
 - (b) where there has been a previous reference of the prisoner's case to the Parole Commissioners, after the expiration of the period of 2 years beginning with the disposal of that reference or such shorter period as the Parole Commissioners may on the disposal of that reference determine;
- and in this paragraph “previous reference” means a reference under paragraph (4) or Article 28(4).
- (6) Where the Parole Commissioners do not direct the prisoner's release under paragraph (3)(b), the Department of Justice shall refer the case to them again not later than the expiration of the period of 2 years beginning with the disposal of that reference.
- (7) In determining for the purpose of this Article whether a terrorist prisoner has served the relevant part of a sentence, no account shall be taken of any time during which the prisoner was unlawfully at large, unless the Department of Justice otherwise directs.
- (8) If the terrorist prisoner is serving a serious terrorism sentence, an extended custodial sentence or an Article 15A terrorism sentence, the Department of Justice shall release the terrorist prisoner on licence under this Article as soon as the prisoner has served the appropriate custodial term unless the prisoner has previously been recalled under Article 28.
- (9) For the purposes of this Article—
- “appropriate custodial term”, in relation to a serious terrorism sentence, an extended custodial sentence or an Article 15A terrorism sentence, means the term determined as such by the court under Article 13A, 14 or 15A;

Status: Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

“commencement date” means the date on which section 30 of the Counter-Terrorism and Sentencing Act 2021 comes into force;

“relevant part of the sentence” means—

- (a) in relation to an extended custodial sentence or an Article 15A terrorism sentence, two-thirds of the appropriate custodial term;
- (b) in relation to any other sentence, two-thirds of the term of the sentence.

(10) For the purposes of this Article, a reference of a terrorist prisoner's case to the Parole Commissioners under Article 18 that was disposed of—

- (a) before the commencement date; and
- (b) at a time when the prisoner had served two-thirds of the appropriate custodial term,

is to be treated as if it was made (and disposed of) under this Article.”

- (2) The amendment made by subsection (1) does not affect any duty of the Department of Justice under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 to release a person whose release has been directed by the Parole Commissioners before this section comes into force.

31 Removal of early release for dangerous terrorist prisoners: Northern Ireland

In Article 20A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (as inserted by section 30) (eligibility for release on licence of terrorist prisoners), after paragraph (2) insert—

“(2A) Paragraphs (3) to (7) apply unless the terrorist prisoner's sentence—

- (a) is a serious terrorism sentence or an extended custodial sentence;
- (b) was imposed after the commencement of section 31 of the Counter-Terrorism and Sentencing Act 2021; and
- (c) was imposed in respect of an offence that—
 - (i) is specified in Part 2 or 5 of Schedule 2A (terrorism offences punishable with imprisonment for life);
 - (ii) is a service offence as respects which the corresponding civil offence is so specified;
 - (iii) is specified in Part 3 or 6 of that Schedule (other offences punishable with life imprisonment) and was determined to have a terrorist connection; or
 - (iv) is a service offence as respects which the corresponding civil offence is so specified and was determined to have a terrorist connection.”

Polygraph conditions in licences for release

32 Polygraph licence conditions for terrorist offenders: England and Wales

(1) The Offender Management Act 2007 is amended as follows.

(2) In section 28 (application of polygraph condition)—

- (a) in subsection (2), before “who” insert “ or a relevant terrorist offence ”;
- (b) after subsection (4) insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

“(4A) In this section “relevant terrorist offence” means—

- (a) an offence that is specified in Part 1 or 2 of Schedule 19ZA to the Criminal Justice Act 2003 (terrorism offences carrying restricted eligibility for release on licence),
- (b) a service offence as respects which the corresponding civil offence is so specified, or
- (c) an offence that was determined to have a terrorist connection.

(4B) In subsection (4A)—

- (a) in paragraph (b), “service offence” and “corresponding civil offence” have the same meaning as in the Counter-Terrorism Act 2008 (see section 95 of that Act);
- (b) paragraph (c) is to be read in accordance with section 247A(7A) of the Criminal Justice Act 2003 (meaning of offences determined to have a terrorist connection).”

(3) In section 29 (effect of polygraph condition), after subsection (7) insert—

“(7A) Rules under subsection (6) may make—

- (a) different provision for different purposes or different areas;
- (b) incidental, supplemental, consequential, saving or transitional provision.”

Repatriated terrorist prisoners

33 Release on licence of terrorist prisoners repatriated to the United Kingdom

Schedule 11 provides for the application of certain provision made by this Part and the Terrorist Offenders (Restriction of Early Release) Act 2020 to terrorist prisoners who are repatriated, or responsibility for whom is transferred, to the United Kingdom.

PART 3

PREVENTION AND INVESTIGATION OF TERRORISM

Terrorism prevention and investigation measures

34 TPIMs: condition as to involvement in terrorism-related activity

In section 3 of the Terrorism Prevention and Investigation Measures Act 2011 (conditions for imposition of measures), in subsection (1), for “is satisfied, on the balance of probabilities,” substitute “reasonably believes”.

35 TPIMs: extension of time limit

- (1) The Terrorism Prevention and Investigation Measures Act 2011 (the “2011 Act”) is amended in accordance with subsections (2) to (6).
- (2) For the italic heading before section 5, substitute “Duration of measures”.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (3) In section 5 (two year limit for TPIM notices)—
- (a) in subsection (3)(b), for “only one occasion” substitute “ up to four occasions ”;
 - (b) in the heading, for “Two” substitute “ Five ”.
- (4) In section 12 (variation of measures), in subsection (9)(a), for “without being extended under section 5(2)” substitute “ as mentioned in section 13(6)(a) ”.
- (5) In section 13 (revocation and revival of TPIM notice)—
- (a) in subsection (6)(a)—
 - (i) the words “without being extended under section 5(2)” become sub-paragraph (i);
 - (ii) at the end of that sub-paragraph (i) insert “, or
(ii) having been extended under section 5(2) on fewer than four occasions,”;
 - (b) in subsection (7)(b), at the end insert “ (and regardless of how many times it has been so extended) ”;
 - (c) in subsection (9)—
 - (i) omit the “and” at the end of paragraph (a);
 - (ii) after paragraph (b) insert “; and
(c) is treated as having been extended under section 5(2) on the same number of occasions (if any) as on which the revived notice had been so extended.”
- (6) In section 14 (replacement of quashed TPIM notice), for subsection (3) substitute—
- “(3) The replacement TPIM notice is to be treated as having been extended under section 5(2) on the same number of occasions (if any) as on which the overturned notice had been so extended (including any extension that was quashed).”
- (7) The amendments made by this section do not apply in relation to—
- (a) a TPIM notice served before the day on which this section comes into force, or
 - (b) a replacement TPIM notice served on or after that day in a case where—
 - (i) the overturned notice to which it relates was served before that day, and
 - (ii) the Secretary of State has not made a determination under section 14(6)(b) of the 2011 Act (certain provisions not to apply as if replacement notice was continuation of original notice) in relation to the replacement TPIM notice.
- (8) In subsection (7)—
- “TPIM notice” has the meaning given by section 2(1) of the 2011 Act;
“replacement TPIM notice” and “overturned notice” have the meanings given by section 14(7) of that Act.

36 TPIMs: variation of measures

- (1) The Terrorism Prevention and Investigation Measures Act 2011 is amended as follows.
- (2) In section 12 (variation of measures)—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (a) after subsection (1) insert—
 - “(1A) The Secretary of State may by variation notice vary a relocation measure so as to substitute a different specified residence if the Secretary of State reasonably considers that—
 - (a) the variation is necessary for reasons connected with the efficient and effective use of resources in relation to the individual; and
 - (b) the relocation measure (as varied) remains necessary for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity.
 - (1B) A “relocation measure” is a measure under paragraph 1(2) of Schedule 1 which requires the individual to reside at a specified residence within paragraph 1(3)(b) of that Schedule (requirement to reside at premises specified by Secretary of State other than individual's own residence).”;
 - (b) in each of subsections (7), (8), (9) and (10), after “subsection (1)” insert “ or (1A) ”;
 - (c) at the end insert—
 - “(11) Subsection (1A) does not limit the power under subsection (1).”
- (3) In section 16 (appeals)—
- (a) in subsection (2), in the words before paragraph (a)—
 - (i) after “varies” insert “ under section 12(1)(c) ”;
 - (ii) omit “(see section 12(1)(c))”;
 - (b) after subsection (2) insert—
 - “(2A) If the Secretary of State varies a relocation measure specified in a TPIM notice under section 12(1A)—
 - (a) the individual may appeal to the court against the variation; and
 - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that—
 - (i) the variation was necessary for reasons connected with the efficient and effective use of resources in relation to the individual, and
 - (ii) the relocation measure (as varied) remained, and continues to be, necessary for purposes connected with preventing or restricting involvement by the individual in terrorism-related activity.
 - (2B) In subsection (2A) “relocation measure” has the meaning given by section 12(1B).”
- (4) In section 21 (expiry and repeal of TPIM powers), in subsection (8), in the definition of “Secretary of State's TPIM powers”, in paragraph (c) after “12(1)(c)” insert “ or (1A) ”.
- (5) In Schedule 5 (powers of entry etc), in paragraph 5(2), for paragraph (c) (but not the final “or”) substitute—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

“(c) a notice varying a TPIM notice under section 12(1) as mentioned in paragraph (c) of that subsection or under section 12(1A);”.

37 TPIMs: extension of residence measure

In Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (measures)—

- (a) in the heading before paragraph 1, omit “Overnight”, and
- (b) in paragraph 1(2)(c) and (8)(a), omit “overnight”.

38 TPIMs: polygraph measure

(1) In Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (measures), after paragraph 10 insert—

“Polygraph measure

10ZA (1) The Secretary of State may impose a requirement for the individual—

- (a) to participate in polygraph sessions conducted with a view to—
 - (i) monitoring the individual's compliance with other specified measures;
 - (ii) assessing whether any variation of the specified measures is necessary for purposes connected with preventing or restricting the individual's involvement in terrorism-related activity,
- (b) to participate in those polygraph sessions at such times as may be specified in instructions given by the Secretary of State, and
- (c) while participating in a polygraph session, to comply with instructions given to the individual by the polygraph operator.

(2) The Secretary of State may by regulations made by statutory instrument make provision relating to the conduct of polygraph sessions, which may include in particular—

- (a) provision requiring polygraph operators to be persons who satisfy such requirements as to qualifications, experience and other matters as are specified in the regulations;
- (b) provision about the keeping of records of polygraph sessions;
- (c) provision about the preparation of reports on the results of polygraph sessions.

(3) The measurement and recording of the physiological reactions of an individual while being questioned in the course of a polygraph examination must be done by means of equipment of a type approved by the Secretary of State.

(4) The following may not be used in evidence against the individual in any proceedings for an offence—

- (a) any statement made by the individual while participating in a polygraph session;
- (b) any physiological reaction of the individual while being questioned in the course of a polygraph examination.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (5) Regulations under sub-paragraph (2) may make—
 - (a) different provision for different purposes or different areas;
 - (b) incidental, supplemental, consequential, saving or transitional provision.
- (6) A statutory instrument containing regulations under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this paragraph—
 - “polygraph examination” means a procedure in which—
 - (a) the polygraph operator questions the individual,
 - (b) the questions and the individual's answers are recorded, and
 - (c) physiological reactions of the individual while being questioned are measured and recorded;
 - “polygraph operator” means the person conducting a polygraph session;
 - “polygraph session” means a session during which the polygraph operator—
 - (a) conducts one or more polygraph examinations of the individual, and
 - (b) interviews the individual in preparation for, or otherwise in connection with, any such examination.”

- (2) In section 17 of that Act (jurisdiction in relation to decisions under the Act), in subsection (3), after paragraph (c) insert—
 - “(ca) a decision by a polygraph operator to give an instruction by virtue of paragraph 10ZA(1)(c) of Schedule 1 (polygraph measure);”.

39 TPIMs: drug testing measure

- (1) In Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (measures), after paragraph 10ZA (inserted by section 38) insert—

“Drug testing measure

- 10ZB (1) The Secretary of State may impose a requirement for the individual—
- (a) to—
 - (i) attend such a testing place, at such times, and
 - (ii) provide an authorised person at the testing place with such a permitted sample,as the Secretary of State may by notice require for the purpose of ascertaining whether the individual has any specified Class A drug or specified Class B drug in their body, and
 - (b) to comply with any directions given by an authorised person in relation to the provision of the permitted sample.
- (2) In this paragraph—
- “authorised person” means—
 - (a) a constable, or

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

(b) a person prescribed, or of a description prescribed, by regulations made by the Secretary of State;

“permitted sample” means—

- (a) a sample of hair other than pubic hair;
- (b) a sample taken from a nail or from under a nail;
- (c) a sample of urine;
- (d) saliva;
- (e) a swab taken from any part of a person's body except a person's genitals (including pubic hair) or a person's body orifice other than the mouth;
- (f) a skin impression;

“specified Class A drug” and “specified Class B drug” have the same meanings as in Part 3 of the Criminal Justice and Court Services Act 2000 (see section 70 of that Act);

“testing place” means—

- (a) a police station, or
- (b) a place prescribed, or of a description prescribed, by regulations made by the Secretary of State.

(3) Regulations under sub-paragraph (2) are to be made by statutory instrument.

(4) Regulations under sub-paragraph (2) may make—

- (a) different provision for different purposes or different areas;
- (b) incidental, supplemental, consequential, saving or transitional provision.

(5) A statutory instrument containing regulations under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.”

(2) In section 17 of that Act (jurisdiction in relation to decisions under the Act), in subsection (3), after paragraph (ca) (inserted by section 38) insert—

“(cb) a decision by an authorised person to give a direction by virtue of paragraph 10ZB(1)(b) of Schedule 1 (drug testing measure);”.

40 TPIMs: provision of information

(1) Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (measures) is amended as follows.

(2) In paragraph 7 (electronic communication device measure)—

(a) in sub-paragraph (4), at the end insert—

“(f) the disclosure to the Secretary of State of such details as may be specified of any electronic communication device possessed or used by the individual or any other person in the individual's residence.”;

(b) in sub-paragraph (6)(c) and (d), after “designed or adapted” insert “, or capable of being adapted,”.

(3) After paragraph 12 insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

12A “Provision of residence information measure

- (1) The Secretary of State may impose a requirement for the individual to disclose to the Secretary of State—
 - (a) the address of the individual's residence;
 - (b) if the individual resides at multiple occupancy premises, such details as may be specified concerning where, in the premises, the individual's residence is located;
 - (c) such details as may be specified in relation to any change (or anticipated change) in the matters referred to in paragraphs (a) and (b).
- (2) The Secretary of State may impose a requirement for the individual to comply with any other specified conditions in connection with the disclosure of information within sub-paragraph (1).
- (3) “Multiple occupancy premises” are premises at which two or more individuals who are not members of the same household reside.”

41 TPIMs: annual review

- (1) In section 20 of the Terrorism Prevention and Investigation Measures Act 2011 (reviews of the operation of that Act)—
 - (a) after subsection (1) insert—

“(1A) The independent reviewer must carry out a review under this section in respect of each calendar year starting with 2022 and ending with 2026.

Each review must be completed as soon as reasonably practicable after the year to which it relates.”;
 - (b) in subsection (2), after “calendar year” insert “ after 2026 ”;
 - (c) in subsection (4), for “subsection (2)” substitute “ this section ”;
 - (d) after subsection (6) insert—

“(7) Subsection (1A) does not require a review to be carried out in respect of any calendar year during the whole of which the Secretary of State's TPIM powers (within the meaning given by section 21(8)) do not exist because of their expiry or repeal under section 21.”
- (2) Subsection (1) does not affect any duty to carry out a review further to a notification given under section 20(2) of the Terrorism Prevention and Investigation Measures Act 2011 before the coming into force of this section.

Notification requirements under Part 4 of the Counter-Terrorism Act 2008

42 Additional offences attracting notification requirements

In section 41(1) of the Counter-Terrorism Act 2008 (terrorism offences that attract notification requirements under Part 4 of that Act), after paragraph (e) insert—

Status: Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- “(f) an offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (breach of notice imposing terrorism prevention and investigation measures) dealt with on or after the day on which section 42 of the Counter-Terrorism and Sentencing Act 2021 comes into force;
- (g) an offence under section 10(1) or (3) of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order or related obligation) dealt with on or after that day.”

Serious crime prevention orders

43 Police powers to apply for serious crime prevention orders in terrorism cases

Schedule 12 amends the Serious Crime Act 2007 to make provision conferring powers on chief officers of police to apply for serious crime prevention orders in terrorism-related cases.

44 Serious crime prevention orders: review of operation of police powers

- (1) The Secretary of State must—
 - (a) review the operation of the amendments made by this Act to the Serious Crime Act 2007 (see Schedule 12), and
 - (b) publish the outcome of the review in a report.
- (2) The report must be published before the end of the period of 3 years beginning with the day on which section 43 comes into force.
- (3) The Secretary of State must lay the report before Parliament.

“Prevent” strategy

45 Persons vulnerable to being drawn into terrorism: timing of independent review

- (1) In section 20 of the Counter-Terrorism and Border Security Act 2019 (support for persons vulnerable to being drawn into terrorism)—
 - (a) in subsection (8), omit the words from “, within the period” to “passed,”;
 - (b) in subsection (9), omit the words from “, within the period” to the end.
- (2) The amendments made by subsection (1) are to be treated as having had effect from the time when section 20 of the Counter-Terrorism and Border Security Act 2019 came into force.

PART 4

GENERAL

46 Consequential and related amendments

Schedule 13 contains consequential and other related amendments.

Status: Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

Commencement Information

- 18** S. 46 in force at 30.4.2021 and 29.6.2021 for specified purposes and otherwise prosp. see s. 50(1)(i)(2)(v)(3)(i)(j)

47 Power to state effect in Sentencing Act 2020 of commencement of amendments made by this Act

The power in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions) applies in relation to any amendment or repeal made by or under this Act of that Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act.

48 Power to make further consequential provision

- (1) The Secretary of State may by regulations make provision in consequence of this Act.
- (2) The power conferred by subsection (1) includes power—
 - (a) to amend, repeal or revoke any provision of primary legislation or subordinate legislation (including legislation passed or made on or before the last day of the Session in which this Act is passed);
 - (b) to make different provision for different purposes;
 - (c) to make transitional, transitory or saving provision.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument that contains (with or without other provision) regulations under this section which amend, repeal or revoke primary legislation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Any other statutory instrument that contains regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—

“primary legislation” means—

 - (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) an Act or Measure of Senedd Cymru;
 - (d) Northern Ireland legislation;

“subordinate legislation” means—

 - (a) subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) an instrument made under an Act of the Scottish Parliament;
 - (c) an instrument made under an Act or Measure of Senedd Cymru;
 - (d) an instrument made under Northern Ireland legislation.
- (7) In the Criminal Justice and Court Services Act 2000—
 - (a) in section 77 (supplementary and consequential provision), at the end insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

“(3) The provision which may be made under subsection (1) in relation to section 61 of this Act (abolition of sentence of detention in young offender institution etc) also includes provision amending or repealing—

- (a) any provision of the Counter-Terrorism and Sentencing Act 2021,
 - (b) any provision of an enactment that was inserted or amended by, or by regulations made under, the Counter-Terrorism and Sentencing Act 2021.”;
- (b) in section 78(2) (meaning of “enactment”), after “in this Part” insert “ other than section 77(3) ”.

49 Extent

- (1) A provision of this Act which amends, repeals or revokes an enactment has the same extent within the United Kingdom as the enactment amended, repealed or revoked.
- (2) Subject to subsections (3) and (4), the other provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (3) Section 21(2) extends to England and Wales only.
- (4) Section 45(2) extends to England and Wales and Scotland.
- (5) Nothing in subsections (1) to (4) limits the extent within the United Kingdom of any provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006.
- (6) Subsections (1) and (2) of section 384 of the Armed Forces Act 2006 (extent outside the United Kingdom) apply to the armed forces provisions as those subsections apply to the provisions of that Act.
- (7) The following are “armed forces provisions”—
 - (a) a provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006;
 - (b) an amendment, modification or repeal made by or under this Act of—
 - (i) a provision of or made under the Armed Forces Act 2006,
 - (ii) a provision that amends, modifies or repeals a provision of, or made under, that Act, or
 - (iii) any other provision, so far as the provision is applied (by whatever words) by or under that Act.
- (8) The power under section 39(6) of the Terrorism Act 2006 (extension to the Channel Islands or the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.
- (9) The power under section 31(4) of the Terrorism Prevention and Investigation Measures Act 2011 (extension to the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.

Status: Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

50 Commencement

- (1) The following provisions come into force on the day after the day on which this Act is passed—
- (a) section 3 (and Schedule 3);
 - (b) section 21 (and Schedule 6), except as mentioned in subsection (3)(f);
 - (c) section 22;
 - (d) section 23 (and Schedule 7);
 - (e) section 24;
 - (f) section 30;
 - (g) section 45;
 - (h) sections 47 to 49, this section and section 51;
 - (i) the following provisions in Schedule 13 (and section 46 to the extent that it relates to those provisions)—
 - (i) Part 3 of that Schedule, except as mentioned in subsection (3)(i);
 - (ii) Part 4 of that Schedule;
 - (iii) paragraph 44;
 - (iv) paragraph 45 other than sub-paragraph (4);
 - (v) paragraphs 47 to 51;
 - (vi) paragraph 52 other than sub-paragraph (7)(a);
 - (vii) paragraph 53 other than sub-paragraph (4);
 - (viii) paragraphs 54 to 60;
 - (ix) Parts 9 and 10 of that Schedule.
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
- (a) section 1 (and Schedule 1), except as mentioned in subsection (3)(a);
 - (b) section 2 (and Schedule 2);
 - (c) sections 4 and 5;
 - (d) section 6 (and Schedule 4);
 - (e) sections 7 to 10;
 - (f) section 11, except as mentioned in subsection (3)(b);
 - (g) sections 12 to 14;
 - (h) section 15, except as mentioned in subsection (3)(c);
 - (i) section 16, except as mentioned in subsection (3)(d);
 - (j) sections 17 and 18, except as mentioned in subsection (3)(e);
 - (k) section 19 (and Schedule 5);
 - (l) section 20;
 - (m) section 26;
 - (n) section 27 (and Schedule 9);
 - (o) section 28 (and Schedule 10);
 - (p) section 29;
 - (q) sections 31 and 32;
 - (r) section 33 (and Schedule 11);
 - (s) sections 34 to 42;
 - (t) section 43 (and Schedule 12);
 - (u) section 44;

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021. (See end of Document for details)

- (v) the following provisions in Schedule 13 (and section 46 to the extent that it relates to those provisions)—
 - (i) Part 1 of that Schedule, except as mentioned in subsection (3)(h);
 - (ii) Part 2 of that Schedule;
 - (iii) paragraphs 45(4), 46, 52(7)(a) and 53(4);
 - (iv) Part 8 of that Schedule.
- (3) The following provisions of this Act come into force on such day as the Secretary of State may by regulations appoint—
 - (a) section 1 (and Schedule 1), as they have effect for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006;
 - (b) section 11, as it has effect for the purposes of section 323 of the Sentencing Code as applied by section 261A of the Armed Forces Act 2006;
 - (c) section 15, as it has effect for the purposes of Schedule 18 to the Sentencing Code as applied by sections 219A and 221A of the Armed Forces Act 2006;
 - (d) section 16, as it has effect for the purposes of section 256 of the Sentencing Code as applied by section 221A of the Armed Forces Act 2006;
 - (e) sections 17 and 18, as they have effect for the purposes of sections 268 and 281 of the Sentencing Code as applied by section 219A of the Armed Forces Act 2006;
 - (f) section 21 (and Schedule 6), as they have effect for the purposes of Schedule 13 to the Sentencing Code as applied by section 224A of the Armed Forces Act 2006;
 - (g) section 25 (and Schedule 8);
 - (h) paragraph 6(3)(a) and (4) of Schedule 13 as they have effect for the purposes mentioned in paragraph (a) above (and section 46 to the extent that it relates to those provisions for those purposes);
 - (i) Part 3 of Schedule 13 as it has effect for the purposes mentioned in paragraph (f) above (and section 46 to the extent that it relates to that Part for those purposes);
 - (j) Part 5 of Schedule 13 (and section 46 to the extent that it relates to that Part).
- (4) Different days may be appointed for different purposes.
- (5) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (6) Regulations under this section are to be made by statutory instrument.

51 Short title

This Act may be cited as the Counter-Terrorism and Sentencing Act 2021.

Status:

Point in time view as at 29/06/2021. This version of this Act contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021.