



EXPLANATORY NOTES

Counter-Terrorism and Sentencing Act 2021

Chapter 11

£11.50

COUNTER-TERRORISM AND SENTENCING ACT 2021

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What these notes do

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021.

- These Explanatory Notes have been produced by the Ministry of Justice in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The purpose of the Counter-Terrorism and Sentencing Act is to strengthen the approach taken to the sentencing and release of terrorist offenders, and to enhance the management of terrorism risk through civil powers. It will ensure that serious and dangerous terrorist offenders will spend longer in custody, reflecting the seriousness of the offences they have committed, which seeks to provide better protection for the public and more time in which to support their disengagement and rehabilitation through the range of tailored interventions available while they are in prison. It will also improve the ability to manage the threat posed by individuals involved in terrorism as well as to monitor terrorist offenders following their release from prison, allowing the government to intervene more effectively when this is required.
- 2 The provisions in the Act are intended to strengthen the approach to the sentencing of terrorist offenders through:
 - i. The creation of a new type of sentence for the most serious terrorist and terrorism-related offenders (aged 18 or over), with a minimum custodial term of 14 years and an extended licence period of between 7 and 25 years.
 - ii. Removing the possibility of any early release from custody for dangerous terrorist offenders who have committed a serious terrorism offence and who receive an extended sentence.
 - iii. Increasing the maximum penalty available for particular terrorism offences.
 - iv. Amending the Counter-Terrorism Act 2008 (2008 Act) and the Sentencing Act 2020 to require the court, in cases where it appears that any non-terrorism offence with a maximum penalty of more than two years was committed in the course of an act of terrorism, or for the purposes of terrorism, to actively consider whether the offence was committed with a terrorist connection and should be aggravated as such. This will also trigger registered terrorist offender (RTO) notification requirements in a wider range of cases.
 - v. Adding offences to the extended sentence regimes, so that where an offender is deemed dangerous and a terrorist connection is found by the court, they will spend longer in custody and be subject to an extended licence period on release.
 - vi. Adding all terrorism offences with a maximum penalty of more than two years to the Sentence for Offenders of Particular Concern (SOPC) regime, ensuring terrorist offenders sentenced in future are subject to a minimum mandatory period on licence.
 - vii. Creating new equivalents of the SOPC regime for under-18 terrorist offenders in England and Wales, and for terrorist offences (whether committed by adults or those under 18) in Scotland and Northern Ireland.

- 3 The Act will also improve the government's ability to manage the threat posed by individuals involved in terrorism and monitor terrorist offenders on release from prison, through:
- i. Increases to the length of maximum licence periods for serious and dangerous terrorist offenders sentenced to an extended sentence to 10 years in Northern Ireland and England and Wales.¹
 - ii. Strengthened licence supervision for terrorist offenders (aged 18 or over) by extending the application of mandatory polygraph testing for some terrorist offenders released on licence in England and Wales².
 - iii. Amending the Terrorism Prevention and Investigation Measures (TPIM) Act 2011 (as amended by the Counter-Terrorism and Security Act 2015), to: lower the standard of proof for imposing a TPIM notice; specify new measures which can be applied to TPIM subjects; strengthen some of the existing measures, and extend the length of time for which a TPIM can last from two years to five years.
 - iv. Amending the Serious Crime Act 2007 so that Counter-Terrorism Policing can make a direct application to the High Court for a Serious Crime Prevention Order (SCPO) in relation to individuals concerned with terrorism, to reduce the administrative burdens associated with an SCPO and support their use in terrorism cases.
 - v. Strengthening the RTO notification requirements, by adding the offences of breaching a TPIM notice and breaching a Temporary Exclusion Order (TEO) to the list of relevant terrorism offences that trigger the RTO notification requirements.
- 4 In addition, the Act will remove the statutory deadline for the independent review of Prevent (while maintaining the legislative commitment to undertake the review), to ensure the review has sufficient time to fulfil its terms of reference.

Policy background

- 5 The terrorism threat level in the UK remains "substantial" – meaning an attack is likely – and there have been 29 terrorist attacks disrupted since 2017. The terror attacks at Fishmongers' Hall on 29 November 2019 and in Streatham on 2 February 2020 were clear demonstrations of the risk the UK continues to face from terrorism. Each attack was committed by a known terrorism offender who had been released automatically at the halfway point of their sentence without input from the Parole Board. Following the attack in November 2019, the Government announced its intention to introduce a new approach to the sentencing and management of terrorist offenders. This included longer sentences and ending early release for dangerous terrorist offenders; overhauling prisons and probation, including tougher

¹ In Scotland the current maximum licence period is already 10 years for terrorist offenders.

² In Scotland and Northern Ireland there already exist licence condition setting powers which could be used to specify polygraph testing in a licence condition within these jurisdictions.

monitoring conditions and the doubling of counter-terrorism probation officers; increasing Counter-Terrorism Police funding; and reviewing support for victims of terrorism, including an immediate £500,000 to the Victims of Terrorism Unit. It also launched an independent review of the way different agencies, including police, probation service and the security services, investigate, monitor and manage terrorist offenders – called Multi-Agency Public Protection Arrangements (MAPPA).

- 6 The Government had already announced its intention to bring forward legislation to change the sentencing and release of terrorist offenders. The Government introduced emergency legislation, the Terrorist Offenders (Restriction of Early Release) Act 2020 (“TORER Act”), to ensure that terrorist offenders serving or sentenced to a determinate sentence could not be released before the end of their custodial term without agreement of the Parole Board. Due to the nature of the threat posed, these measures were applied to both serving prisoners and prospectively. The provisions of this Act applied in England and Wales and Scotland.
- 7 The TORER Act applied to Great Britain but did not extend to Northern Ireland (NI) at that time. NI determinate sentencing provisions differ slightly from the provisions which govern how standard determinate sentences and short and long-term sentences are set in England and Wales, and Scotland, respectively. These issues were not addressed in the emergency timetable as there were no prisoners with impending release, but Ministers committed to returning to this issue for NI. Therefore, provision to rectify that inconsistency is being provided in this Act.
- 8 Although the number of children convicted of terrorism offences is small, it is clear that some are susceptible to radicalisation and to adopting extremist views and that some pose a threat whilst still under the age of 18. The Government also intends to ensure through this Act that this threat is reduced by extending measures to youth offenders where appropriate.

Extent

- 9 Counter-terrorism is a reserved matter, but significant devolution has been in place since 1999 for Scotland and 2010 for Northern Ireland in relation to criminal justice. The UK Government wants the policy intent of the CTS Act to apply UK-wide, both as a reflection of the reserved nature of counter-terrorism and to ensure equal provision across jurisdictions to address the terrorist threat to the UK public.
- 10 Due to the devolved nature of much of criminal justice to Northern Ireland and Scotland, this Act has required specific measures for each jurisdiction. Exact details on each provision can be found at Annex A.

Sentencing and release

- 11 Following the passing of the TORER Act, all determinate terrorist or terrorism-related offenders must now be referred to the Parole Board at the two-thirds points of the sentence before they can be considered for early release. Prior to this, those serving a standard determinate sentence, or those under 18 serving a section 91 sentence under the Powers of Criminal Courts (Sentencing) Act 2000, were automatically released at the halfway point with no referral to the Parole Board. Once released these offenders would serve the remainder of their sentence in the community on licence. Prior to the TORER Act, those who received a SOPC (currently only applicable to adults) could be considered by the Parole Board for release from the halfway point. Once released, offenders subject to a SOPC serve the remainder of their sentence on licence including a mandatory 12-month licence period. Following the passing of the TORER Act 2020 release by the Parole Board could only be considered from the

two-thirds point of the sentence. This Act will extend the scope of the SOPC, and create an equivalent sentence for Scotland and Northern Ireland and for youths, to ensure the new release provisions and a minimum period on licence apply consistently for adult and youth terrorist offenders across the UK.

- 12 The TORER Act also brought in line the consideration for release by the Parole Board at two-thirds for all extended sentences. In England and Wales, those assessed as dangerous may receive an extended determinate sentence (EDS), which comprises a custodial term and an extension period to be served on licence in the community. They may be considered for release by the Parole Board once they have served two-thirds of the custodial element of their sentence. This Act will remove discretionary early release for the most serious terrorist offenders who receive an EDS or the Scottish and Northern Ireland equivalent, where the offence attracts a maximum penalty of life.
- 13 The maximum penalties for a number of terrorism offences were established in the Terrorism Acts of 2000 and 2006, with some amended in the Counter-Terrorism and Border Security Act (CTBSA) 2019. The terrorist threat has continued to evolve, as evidenced by the attacks at Fishmongers' Hall and Streatham, and there remain some offences where the maximum penalty is not aligned to the seriousness of the offence. This legislation will address this discrepancy. It will continue to be for judges to decide what sentence is appropriate in the particular circumstances of individual cases, within the available range and in line with applicable sentencing guidelines.

Polygraph testing

- 14 Polygraph examinations have been used in the management of sexual offenders on licence since January 2013 by the National Probation Service (NPS) in England and Wales. Initially, this was as a successful pilot and it was subsequently rolled out as a national programme. Examinations are carried out by qualified Probation Officers who have been trained as accredited examiners and who are also experienced in managing high risk offenders. Polygraph examinations are used to monitor compliance with other licence conditions; the information obtained during testing is used by Probation offender managers to refine and improve risk management plans. This Act will enable it to be extended for use with terrorist offenders on licence in England and Wales, and with TPIM subjects in a consistent manner in all jurisdictions of the UK. Equivalent provision for polygraph testing as part of a licence condition is not required in Scotland and Northern Ireland as existing licence condition setting powers could be used to specify polygraph testing in a licence condition in those jurisdictions.

Monitoring and prevention

- 15 The TPIM Act 2011 replaced the previous system of control orders. It provides for a number of measures to be imposed on individuals who the Home Secretary believes have, on "the balance of probabilities" (as amended by the Counter-Terrorism and Security Act 2015), been involved in terrorism related activity. The Counter-Terrorism and Security Act 2015 made some amendments to the TPIM Act 2011. These amendments followed recommendations that the former Independent Reviewer of Terrorism Legislation (IRTL), David Anderson QC, made in his annual report. These amendments addressed the changing threat picture in 2015. More recently, in response to the Streatham attack, Lord Carlile QC, another former IRTL, called for tougher restrictions on released prisoners, such as the reintroduction of control orders. The Government does not consider it necessary to reintroduce control orders; sufficient amendments can be made to the TPIM Act 2011 to strengthen it. These amendments include: lowering the standard of proof for imposing a TPIM to "reasonable belief"; extending the maximum duration of a TPIM notice from two years to five; and allowing for a flexible curfew rather than the current overnight measure.

- 16 In his 2019 report, Jonathan Hall QC, the Independent Reviewer of Terrorism Legislation found that “The power of the High Court to make SCPOs is a seriously underused power generally, and has not been used in connection with suspected terrorists to date”. The changes in this legislation are intended to help support the use of SCPOs in terrorism cases by simplifying the process for police to make an application for an SCPO.
- 17 The 2008 Act provides a notification regime for individuals sentenced to 12 months’ or more imprisonment for a specified terrorism offence or (in England, Wales and Scotland) an offence with a terrorism connection. This notification regime was strengthened by the 2019 Act to require Registered Terrorist Offenders to provide additional information to the police. This legislation will add further offences to those leading to notification requirements for individuals convicted of terrorism or terrorism-related offences on their release from prison.

Legal background

Sentencing and release

- 18 Sentences of imprisonment are generally served part in prison and part in the community. Under current legislation, determinate sentenced prisoners in England and Wales must be released in accordance with the provisions contained in Chapter 6 of Part 12 of the Criminal Justice Act 2003 (“the 2003 Act”) which includes the legacy release provisions of the Criminal Justice Act 1991 which are restated in Schedule 20B of the 2003 Act, and indeterminate sentenced prisoners in accordance with Part 2 of the Crime (Sentencing) Act 1997. In Scotland, prisoners must be released in accordance with the terms of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”). In Northern Ireland, prisoners sentenced after April 2009 are released pursuant to the Criminal Justice (Northern Ireland) Order 2008 (“the 2008 Order”).
- 19 The following sentences (expanded upon below), which can currently be applied to those who have committed a terrorist or terror-related offence, are subject to changes by the Act:
 - Sentences for Offenders of Particular Concern (England and Wales) where a terrorist offender is eligible to be considered for release by the Parole Board at the two-thirds point of the custodial term, and will be subject to an extra 12-month licence period at the end of their custodial term.
 - Extended Determinate Sentences (England and Wales) where a terrorist offender is currently eligible to be considered for release by the Parole Board at the two-thirds point of the custodial term and will be subject to an extended licence period at the end of their custodial term.
 - Discretionary Life Sentences (England and Wales) where a terrorist offender is guilty of an offence which has a maximum punishment of life imprisonment, but where the judge has discretion to set the minimum term (tariff) to be spent in custody, after which they are eligible for release by the Parole Board. The subsequent licence period lasts for life.
 - Extended Sentences (Scotland) where a terrorist offender is currently eligible to be considered for release by the Parole Board at the two-thirds point of the custodial term and will be subject to an extended licence period on release.

- Indeterminate Sentences (Scotland) where a terrorist offender is serving a sentence with no set end point, such as a life sentence. Release is discretionary by the Parole Board for Scotland after the minimum custodial term set by the Court is served. Once released, offenders are subject to licence conditions for life.
 - Determinate Custodial Sentences (Northern Ireland) where all offenders are currently released automatically on licence at the halfway point of the sentence.
 - Extended Custodial Sentences (Northern Ireland) where all offenders are currently eligible to be considered for release by the Parole Commissioners at the halfway point of the custodial term and will be subject to an extended licence period after the custodial term ends.
 - Indeterminate Custodial Sentences (Northern Ireland) where offenders are given an indeterminate sentence and become eligible to be considered for release by the Parole Commissioners after the minimum term or “tariff” has expired. These prisoners are subject to a licence for their lifetime unless revoked.
- 20 Prisoners who are transferred on an unrestricted basis between the jurisdictions of the United Kingdom are, by virtue of Schedule 1 paragraph 15(2) of the Crime (Sentences) Act 1997, treated for “relevant purposes” (which include detention, release, supervision and recall) as if the person had been sentenced to an equivalent sentence in the receiving jurisdiction.

Sentencing and release: England and Wales

- 21 The sentencing provisions in the Act for England and Wales have been drafted in line with those in the Sentencing Act 2020 (known as the Sentencing Code). Accordingly, statutory references within these explanatory notes for those sentencing provisions for England and Wales have been expressed in line with the Sentencing Code, where relevant.
- 22 The Sentencing Act 2020 consolidates the law governing sentencing procedure in England and Wales into a Sentencing Code. The Sentencing Code includes procedural provisions which sentencing courts need to rely upon during the sentencing process, including sentences which a court may impose. It re-enacted law in force at the time, and did not alter its substance or effect. It does not include the types of sentence courts in Scotland and Northern Ireland may impose, as sentencing procedure is a devolved matter in those jurisdictions, nor does it include release provisions, which will remain in Chapter 6 of Part 12 of the 2003 Act and Part 2 of the Crime (Sentences) Act 1997.

Extended Determinate Sentence

- 23 The EDS, comprising a custodial term and an extension period to be served on licence in the community, is available to the courts for specified violent, sexual or terrorism offences, contained in sections 254, 266 and 279 of the Sentencing Code. Where the offender meets particular criteria, including committing a specified offence, they have been deemed to pose a significant risk of harm, and where the court is not required to impose a life sentence, the court may impose an extended sentence.
- 24 Part 10, Chapter 6 of the Sentencing Code defines the meaning of a specified offence which may attract an extended sentence in the case of offenders deemed to be “dangerous”, and defines how the assessment of dangerousness is made.
- 25 The current maximum length of the extended licence period is eight years for specified terrorist offences. The combined length of the custodial term and the extended licence period must be within the maximum penalty for the offence committed. All offenders, including

terrorist offenders, must be released at the end of their custodial term but the Parole Board has the discretion to release from the two-thirds point if satisfied that the offender's detention is no longer necessary for the protection of the public.

- 26 The EDS was introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, under sections 226A of the 2003 Act for adults and section 226B of the 2003 Act for under 18s. It replaced the previous extended sentence under sections 227 and 228 of the 2003 Act. An EDS may be imposed where an adult or child offender has committed a specified violent, sexual or terrorist offence (as listed in Schedule 18 to the Sentencing Code) and the courts find the offender to be 'dangerous'. As enacted, and prior to 13 April 2015, if the custodial term of an EDS was for a period of less than 10 years, and the offence was not listed in Schedule 15B to the 2003 Act, release was automatic at the two-thirds point – with no Parole Board consideration. This was amended by the Criminal Justice and Court Act 2015 which provided for Parole Board consideration of the release of all EDS sentenced offenders sentenced after that Act came into force, and further amended by the TORER Act 2020 provisions to bring the release of all prior determinate sentences for terrorism offences into line.

Sentence for Offenders of Particular Concern

- 27 The SOPC was introduced in the Criminal Justice and Courts Act 2015 in England and Wales and must be imposed upon offenders aged over 18 who have committed a terrorist or sexual offence specified in Schedule 13 of the Sentencing Code, in circumstances where the court finds that neither the seriousness threshold for applying a life sentence, nor the dangerousness threshold for applying an EDS, have been met (section 278 of the Sentencing Code).
- 28 Under section 244A of the 2003 Act, all non-terrorist offenders serving a SOPC are considered for early release by the Board from the half-way point. The release provisions for SOPCs for terrorist offenders were amended by the TORER Act 2020 so they cannot be considered for release before the two-thirds point of their custodial sentence. All SOPC offenders, whether terrorist or non-terrorist, must be released at the end of their custodial term and are subject to a further 12-month licence period to manage the assessed risk the offender poses.

Discretionary Life Sentences

- 29 Life Sentences for offences excluding murder must be imposed in the following circumstances, using the discretion of the court to decide if a life sentence should apply:
- Under sections 258 and 285 of the Sentencing Code; a life sentence should be imposed where an offence falls under section 19 of the Sentencing Code and the courts finds a significant risk to the public of serious harm on the commission of further offending.
 - From a conviction for a second listed offence, known as "automatic life" under sections 283 and 284 of the Sentencing Code.
- 30 Discretionary Life Sentences are available to courts where an offender is guilty of an offence which has a maximum punishment of life imprisonment.
- 31 For all life sentences the sentencing judge has discretion to set the minimum term (tariff) to be spent in custody, after which the prisoner is eligible for release by the Parole Board if they are no longer considered to be a risk to the public. For Mandatory Life Sentences, starting points for minimum terms are set out in statute (sections 269-277 and Schedules 21 of the Sentencing Code).

Sentencing and release: Scotland

Extended Sentences

- 32 In Scotland, extended sentences can be imposed by the court to those who have committed a terrorist or terror-related offence. Prisoners who are serving this sentence for an offence in Schedule 1A to the 1993 Act must be released at the end of their custodial term but are eligible to be considered for release by the Parole Board from the two-thirds point. Extended sentences were introduced under the Crime and Disorder Act 1998 which inserted section 210A into the Criminal Procedure (Scotland) Act 1995 (“1995 Act”). Under section 210A the court may impose an extended sentence if it is intending to pass a determinate sentence in relation to a sexual offence of any length, or a violent or terrorism offence of four years or more, and considers that the terms of a standard sentence would not be adequate for the purpose of protecting the public from serious harm from the offender.
- 33 An extended sentence is made up of a custodial term and an extended licence period set by the court (up to 10 years). Terrorist prisoners subject to an extended sentence are eligible for release by the Scottish Ministers on a recommendation from the Parole Board for Scotland at the two-thirds point. As enacted, all prisoners serving an extended sentence were entitled to automatic release at the two-thirds point. The Prisoners (Control of Release) Scotland Act 2015 on 1 February 2016 amended this so that all prisoners serving this sentence were entitled to be considered for release by the Parole Board for Scotland from the mid-way point of the custodial term, with automatic release at the end of the custodial term. The TORER Act 2020 further amended this so that prisoners who have received an extended sentence for a terrorist offence listed in Schedule 1A to the 1993 Act are not considered for release by the Parole Board for Scotland until the two-thirds point of their custodial term. Automatic release for these prisoners remains at the end of their custodial term.

Indeterminate sentences

- 34 These are sentences that do not have a set end point, such as a life sentence. The court will set a “punishment part” for such sentences which is the minimum time an offender must spend in prison. ‘Discretionary’ life is the statutory term introduced under the 1993 Act to distinguish prisoners sentenced by the court to life from those whose life sentence for murder is mandatory, being fixed by law.
- 35 A mandatory life sentence must be given for murder whereas a discretionary life sentence can be given for other extremely serious offences at the discretion of the court. For both these types of life sentence, the court sets the minimum custodial punishment time. After that minimum time, offenders will remain in prison unless the Parole Board for Scotland decides that they are safe to be released into the community under lifelong conditions.

Order for Lifelong Restriction

- 36 Orders for Lifelong Restriction were implemented by the Criminal Justice (Scotland) Act 2003, and provide a type of life sentence to be imposed where an offender has been convicted of a serious violent offence other than murder, a serious sexual offence, an offence which endangers life, or an offence which indicates a tendency to serious violent, sexual or life-endangering offending. The court sets the punishment part of the sentence, which is the minimum term to be served in custody. The Parole Board for Scotland will consider release at the end of this tariff period, and on release the offender will remain under intensive supervision, treatment and monitoring by a criminal justice social worker.

Sentencing and release: Northern Ireland

Determinate Custodial Sentences (DCS)

- 37 DCS for adult offenders are provided for by Article 8 of the 2008 Order. The court sets the sentence length based on the seriousness of the offending, then calculates a supervision period, and deducts that from the sentence, with what's left amounting to the custodial term (which cannot exceed half of the overall sentence). Once the custodial term of the sentence has been served, the offender is automatically released on licence.

Detention in a Young Offenders Centre

- 38 Detention in a Young Offenders Centre is provided for by section 5 of the Treatment of Offenders Act (Northern Ireland) 1968. This sentence is available for offenders aged 16 to 20 where they have been convicted of an offence which is punishable with imprisonment in the case of someone aged 21 years or over. The sentence will either be the maximum term of imprisonment which the court could impose for the offence in the case of a person aged 21 years or over, or 4 years, whichever is the lesser. Up to half of the sentence is served in custody, with the rest served on licence.

Extended Custodial Sentence (ECS)

- 39 The ECS was introduced for adult and child offenders by Article 14 of the 2008 Order. It is a public protection sentence which can be imposed for certain violent or sexual offences listed in Schedule 2 of the 2008 Order, committed on or after commencement, if the court believes that the offender is likely to commit further similar offences in the future. This sentence mandates at least one year in custody and a period under licence. ECS prisoners are referred to the Parole Commissioners for Northern Ireland (PCNI) six months before the midpoint of their sentence. The extended licence period can be up to five years for violent offences and eight years for sexual offences.

Indeterminate Custodial Sentences (ICS)

- 40 ICS were introduced in their current form for adult and child offenders by Article 13 of the 2008 Order. These are used in cases where a life sentence is not suitable for a person convicted of a serious sexual or violent offence, but an ECS is not considered sufficient to protect the public. No release date is given, rather they will be given a "tariff" date which is the earliest date that they may become eligible for consideration by the Parole Commissioners Northern Ireland (PCNI). The tariff must be a minimum of two years. A referral will be made to PCNI by the Department of Justice (DoJ) or the Secretary of State (where matters of national security are involved) to consider release around six months before the tariff expiry date.

Licence Conditions: Polygraph

- 41 The power to polygraph test offenders on licence in England and Wales was created by the Offender Management Act 2007 ("the 2007 Act"). It applies to persons aged over 18, serving a relevant custodial sentence (defined in section 28 of the 2007 Act) for specified sexual offences.
- 42 Evidence gained from polygraph tests cannot be used in criminal proceedings against a released person, and various provisions for regulating polygraph procedure and administration are controlled by the Secretary of State via the 2007 Act and the Polygraph Rules 2009. The power was piloted in relation to nine police areas by the Offender Management Act 2007 (Commencement No.3) Order 2009 between 19 January 2009 and 31 March 2012. Following this successful pilot, the power to impose mandatory polygraph testing licence conditions on certain sex offenders on licence was commenced on 6th January 2014.

Statutory sentencing aggravating factor for a terrorist connection

- 43 Section 69 of the Sentencing Code requires that a court in England and Wales considering an offender's sentence for certain offences, must, if it appears that there is or may have been a terrorist connection, make a finding (on the criminal standard of proof) as to whether there is such a connection. The court will make this determination on the basis of the usual information before it for the purposes of sentencing, that is the trial evidence or evidence heard at a Newton hearing (if necessary), and taking account of any representations made by the prosecution or the defence. A Newton hearing is where the judge hears evidence from both the prosecution and the defence and comes to his or her own conclusion on the facts (because the facts as set out by the prosecution are disputed by the defendant), applying the criminal standard of proof.
- 44 Prior to amendment by this Act, a court was only expressly required to consider whether there was a terrorist connection, in respect of those limited offences specified in Schedule 1 to the Sentencing Code (for England and Wales) and Schedule 2 of the 2008 Act (for Northern Ireland and Scotland). If a court determined that there was a terrorist connection in relation to these specified offences, it must treat that as an aggravating factor when sentencing the offender. The presence of an aggravating factor will result in a higher sentence (within the statutory maximum) than would otherwise be the case. In addition, by virtue of section 42 of the 2008 Act the offence will fall within the scope of the notification requirements that apply to terrorist offences under Part 4 of the Act. Furthermore, these offences will also fall within the scope of the forfeiture provisions under section 23A of the Terrorism Act 2000 and engage the restriction of early release provisions in the TORER Act.

Registered Terrorist Offender notification requirements

- 45 Registered Terrorist Offender notification requirements were introduced in the 2008 Act for specified terrorist offences and apply to those aged 16 and above. Part 4 of the 2008 Act makes provision about the notification of information to the police by certain individuals convicted of relevant terrorism offences or offences committed with a terrorist connection. The notification requirements apply to a person who:
- is convicted of a relevant offence and receives a sentence of imprisonment or detention for a period or term of 12 months or more in relation to that offence; or
 - is found to have done the act charged against them in respect of such an offence and is made subject in respect of the offence to a hospital order. This applies where the person is:
 - convicted of a relevant offence carrying a maximum term of imprisonment of 12 months or more or
 - Found not guilty by reason of insanity of such an offence, or
 - Found to be under a disability.
- 46 When in the community, such individuals must provide the police with certain personal information, notify any changes to this information, confirm its accuracy periodically and notify any foreign travel. The periods for which the notification requirements apply vary depending on the length of the sentence triggering the requirements.
- 47 The lists of terrorism offences to which these notification requirements apply are in section 41 (terrorism offences) and section 42 (offences having a terrorist connection) of the 2008 Act.

Serious Crime Prevention Orders

- 48 Serious Crime Prevention Orders (SCPO) were introduced in the Serious Crime Act 2007 and apply to adults only. A SCPO is a type of civil injunctive order which is aimed at preventing serious crime. If a person breaches an order they commit a criminal offence. Section 8 of the Act states that a serious crime prevention order may be made only on an application by the Director of Public Prosecutions (England and Wales); the Director of the Serious Fraud Office (England and Wales); the Lord Advocate (Scotland); or the Director of Public Prosecutions for Northern Ireland (Northern Ireland).

Terrorism Prevention and Investigation Measures

- 49 Terrorism prevention and investigation measures (TPIMs) are preventative civil measures imposed under the Terrorism Prevention and Investigation Measures Act 2011 (TPIMA 2011). They are designed to protect members of the public from the risk of terrorism by imposing restraints on those suspected of involvement in terrorism-related activity.
- 50 TPIMs replaced control orders. Control orders were another type of civil measure aimed at imposing restrictions on individuals to restrict their involvement in terrorism-related activity. Control orders were governed by the Prevention of Terrorism Act 2005, which was repealed in its entirety and replaced by TPIMA 2011. Significant differences between control orders and TPIMs included the following:
- The standard of proof for imposing a control order was “reasonable suspicion”; the standard of proof for imposing a TPIM, when TPIMA was enacted in 2011, was “reasonable belief” (this standard was later raised to “balance of probabilities” by the Counter-Terrorism and Security Act 2015 (“CTSA 2015”));
 - Control orders lasted for one year, but were capable of indefinite extension; under TPIMA 2011, there is a 2-year limit on the duration of a TPIM;
 - Control orders contained a power of relocation. When TPIMA was enacted in 2011, there was no power of relocation (although this was subsequently reintroduced by CTSA 2015);
 - Control orders contained an unlimited power of curfew (although this was limited in practice by caselaw); TPIMA 2011 expressly restricted the curfew power to “overnight”.
- 51 At the same time as TPIMA 2011 was progressing through Parliament, the Government published a draft Enhanced Terrorism Prevention and Investigation Measures (ETPIM) Bill. The ETPIM Bill is draft emergency legislation containing more stringent measures than TPIMA 2011, ready for introduction should the need arise. The draft bill has not been introduced to date.
- 52 TPIMA 2011 was amended by the CTSA 2015. Amongst other things, CTSA 2015 raised the standard of proof for imposing a TPIM to “balance of probabilities”; reintroduced the power to relocate a TPIM subject (subject to a 200-mile restriction); and introduced a power to mandate attendance at appointments.
- 53 TPIMA 2011 was amended most recently by the CTBSA 2019, which made amendments to the biometrics provisions for TPIM subjects (fingerprints and samples).

Counter-Terrorism Border and Security Act 2019

- 54 The CTBSA 2019 committed the government to commission an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism (Prevent). Subsections 8 to 10 of section 20 of this Act state the review must be established within six months of Royal Assent and the report of the review and any recommendations, together with the Government response, must be published within 18 months of Royal Assent. The CTBSA 2019 gained Royal Assent on 12 February of that year, making the statutory deadline for the government to publish the report and response 12 August 2020.

Territorial extent and application

- 55 Section 49 sets out the territorial extent of the Act (the jurisdiction of which the law forms a part). The provisions of the Act extend and apply (where the law produces a practical effect) to England, Wales, Scotland and Northern Ireland. Counter-terrorism is a reserved matter, although sentencing (including release provisions) is devolved to Scotland and Northern Ireland.
- 56 The Act relates to reserved matters in Scotland and excepted matters in Northern Ireland, as it contains “special powers, and other special provisions for dealing with terrorism”: see paragraph B8 of Part II of Schedule 5 to the Scotland Act 1998, and paragraph 17 of Schedule 2 to the Northern Ireland Act 1998.
- 57 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Act

Part 1: Sentencing of terrorist offenders

Section 1: Offences aggravated by terrorist connection

- 58 Section 1 of this Act makes provision in relation to non-terrorism offences that are committed with a terrorist connection. Where a court is sentencing a person for any non-terrorism offence with a maximum penalty of more than two years, and it appears that the offence was committed in the course of an act of terrorism, or for the purposes of terrorism, the court is now required to consider whether the offence was committed with a terrorist connection and, if it determines that that is the case, aggravate the sentence and state in open court that the offence has been aggravated. This is a change from the previous position that the Court was only expressly required to consider a terrorist connection in relation to those limited offences specified in the relevant Schedules (Schedule 1 of the Sentencing Code for England and Wales or Schedule 2 to the 2008 Act for Northern Ireland and for Scotland).
- 59 Previously, although the Court could find that an offence not contained in these Schedules was committed with a terrorist connection, it was not statutorily required to aggravate the sentence (but could choose to do so) and the RTO notification requirements would not apply to such offenders. Section 1 addresses this discrepancy, ensuring that all offenders found to have committed an offence (with a maximum penalty of more than two years) with a terrorist connection are subject to sentence aggravation and the notification requirements upon their release.
- 60 Subsection (2) of the Act makes amendments to section 69 of the Sentencing Code, which applies to England & Wales, adding new subsections (4) to (6).
- 61 New subsection (4) provides that an offence falls within section 69 if it satisfies paragraphs (a) to (c). Paragraph (a) is satisfied if the offence was committed on or after the day on which section 1 of this Act came into force. Paragraph (b) is satisfied if the offence is punishable on indictment with imprisonment for a term of more than 2 years.
- 62 Paragraph (c) provides for certain offences listed in Schedule A1 to the Sentencing Code to fall outside of the scope of section 69. These are terrorism offences and therefore it is not necessary for a court to consider whether they have been committed with a terrorist connection.
- 63 New subsection (5) makes provision in relation to offences committed prior to the date on which this section came into force. Such offences fall within the scope of section 69 of the Sentencing Code only if they are specified in Schedule 1 to the Sentencing Code.
- 64 New subsection (6) makes provision in relation to offences committed over a period of two or more days, or at some time during a period of two or more days. For the purposes of new subsections (4) and (5) the offence is to be taken to have been committed on the last of those days.
- 65 Subsection (3) inserts new Schedule A1 (the Schedule set out in Part 1 of Schedule 1 to this Act), which lists offences for which the court need not consider a terrorist connection, into the Sentencing Code.
- 66 Subsection (4) provides for the 2008 Act to be amended by subsections (5) and (6).
- 67 Subsection (5) amends section 30 of the 2008 Act, which applies to Northern Ireland, adding new subsections (5A) to (5C).

- 68 New subsection (5A) provides that an offence falls within section 30, subsection (5) of the 2008 Act if it satisfies new paragraphs (a) to (c).
- 69 New paragraph (a) is satisfied if the offence was committed on or after the day on which this section came into force. New paragraph (b) is satisfied if the offence is punishable on indictment with imprisonment for a term of more than 2 years, or would be so punishable in the case of an offender aged at least 21. These latter words are included to clarify that although an offender aged under 21 would not be imprisoned for the offence, new paragraph (b) applies if the offence is punishable with imprisonment in the case of an offender aged 21 or over. Paragraph (c) provides that offences listed in Schedule 1A to the Counter-Terrorism Act 2008 (inserted by this Act) fall outside of the scope of section 30 of the 2008 Act. These are terrorism offences and therefore it is not necessary for a court to consider whether they have been committed with a terrorist connection.
- 70 New subsection (5B) makes provision in relation to offences committed on or after 12 April 2019 but prior to the date on which this section of this Act came into force. Such offences fall within the scope of section 30 of the 2008 Act only if they are specified in Schedule 2 to that Act (offences committed prior to 12 April 2019 are outside the scope of section 30, as section 30 was extended to Northern Ireland by section 8 of the CTBSA 2019 with effect only to offences committed on or after that date).
- 71 New subsection (5C) makes provision in relation to offences committed over a period of two or more days, or at some time during a period of 2 or more days. For the purposes of new subsections (5A) and (5B) the offence is to be taken to have been committed on the last of those days.
- 72 New subsection (5)(c) repeals section 30(6) of the 2008 Act. The need for subsection (6) is removed as a result of the insertion of new subsection (5B) (a).
- 73 Subsection (6) amends section 31 of the 2008 Act, which applies to Scotland, adding new subsections (4A) to (4D).
- 74 New subsection (4A) provides that an offence falls within section 31 if it satisfies new paragraphs (a) to (c).
- 75 New paragraph (a) is satisfied if the offence was committed on or after the day on which this section came into force. New paragraph (b) is satisfied if the offence is punishable on indictment with imprisonment for a term of more than 2 years, or would be so punishable in the case of an offender aged at least 21. These latter words are included to clarify that although an offender aged under 21 would not be imprisoned for the offence, paragraph (b) applies if the offence is punishable with imprisonment in the case of an offender aged 21 or over. New paragraph (c) provides that offences listed in Schedule 1A to the Counter-Terrorism Act 2008 fall outside of the scope of section 31 of that Act. These are terrorism offences and therefore it is not necessary for a court to consider whether they have been committed with a terrorist connection.
- 76 New subsection (4B) makes provision in relation to offences committed on or after the relevant date (new subsection (4C) makes provision for the relevant date) but before the date on which this section came into force. Such offences fall within the scope of section 31 of the 2008 Act only if they are specified in Schedule 2 to that Act (offences committed prior to the relevant date are outside the scope of section 31).

- 77 New subsection (4C) specifies the relevant date for the purposes of new subsection (4B). For most offences the relevant date is 18 June 2009 (the date on which section 31 came into force). For those offences listed in new paragraph (b) the relevant date is 12 April 2019 (the date on which those offences were added to Schedule 2 to the 2008 Act by section 8 of the CTBSA 2019).
- 78 New subsection (4D) makes provision in relation to offences committed over a period of two or more days, or at some time during a period of 2 or more days. For the purposes of new subsections (4A) to (4C) the offence is to be taken to have been committed on the last of those days.
- 79 Subsection (6)(c) repeals section 31(5) of the 2008 Act. The need for subsection (5) is removed as a result of the insertion of new subsection (4B)(a).
- 80 Subsection 7 inserts Schedule 1A (Part 2 of Schedule 1 to this Act) into the 2008 Act.

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

- 81 Section 2 of this Act amends the Sentencing Code to create a definition of a serious terrorism offence for the purposes of sentencing an offender to a serious terrorism sentence or an extended sentence. The definition refers to a list of specified offences to which the definition applies. These are listed in a new Schedule 17A to the Sentencing Code (Schedule 2 of this Act).

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

- 82 Section 3 of this Act amends the 2008 Order to add definitions of offences found to have a terrorist connection and the serious terrorism offence, and inserts a new Schedule 2A into the Order (Schedule 3 of this Act) which lists the relevant offences.

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

- 83 Section 4 creates a new type of sentence for serious terrorist offenders aged 18 to under 21 - a serious terrorism sentence of detention in a young offender institution, comprising a custodial period and an extension period. It inserts new section 268A, 268B and 268C into the Sentencing Code.
- 84 New section 268A requires that the serious terrorism sentence of detention in a young offender institution must comprise the appropriate custodial term (defined in section 268C to be a minimum of 14 years) and an extension period to be served on licence.
- 85 In new section 268B, subsection (1) outlines the criteria for the court to impose the sentence. These are: where the offence was committed on or after the date the provision comes into force, the offender is aged 18 or over when the offence was committed but below 21 at the point of conviction, where there is a significant risk of serious harm occasioned by the commission by the offender of further serious terrorism offences or other offences specified in section 308 of the Sentencing Code (that is, the offender has been assessed to be “dangerous”), where the “risk of multiple deaths” condition is met, and where the court does not impose a sentence of custody for life.
- 86 In new section 268B, subsection (2) provides that the court must then impose the sentence unless exceptional circumstances apply in relation to the offence or the offender that justify not imposing a serious terrorism sentence where the aforementioned circumstances are met.
- 87 In new section 268B, subsections (3) and (4) define the risk of multiple deaths condition, requiring that the offender was aware or ought to have been aware that the offending was very likely to result in or contribute to the deaths of at least two people as the result of an act of terrorism, as defined in section 1 of the Terrorism Act 2000, irrespective of whether or not any deaths actually occurred.

- 88 In new section 268B, subsection (5) defines the day on which the offence was committed, if it took place over two days or more, the offence is to be taken to have been committed on the last of those days. As set out in new subsection (1) it applies to offences committed on or after this section comes into force.
- 89 In new section 268B, subsection (6) provides that the pre-sentence report requirements in section 30 of the Sentencing Code apply in determining the risk of serious harm or assessment of dangerousness under new section 268B(1)(d).
- 90 New section 268C provides for the term of detention in a young offender institution for the new special terrorism sentence for under 21s. New subsection (2) provides that the appropriate custodial term will be 14 years or longer as set in line with section 231 of the Sentencing Code. New subsections (3) and (4) provide this will be followed by an extended licence period determined by the court according to the need to protect the public from the risk of harm of committing further serious terrorism offences or other specified offences posed by the offender of between 7 and 25 years.

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

- 91 Section 5 creates a new type of sentence of imprisonment for serious terrorist offender adults aged 21 or over comprising of a custodial period and an extension period. It inserts new section 282A, 282B and 282C into the Sentencing Code.
- 92 New section 282A requires that the serious terrorism sentence of imprisonment must comprise the appropriate custodial term (defined in section 282C to be a minimum of 14 years) and an extension period to be served on licence.
- 93 In new section 282B, subsection (1) outlines the criteria for the court to impose the sentence. These are: the offence was committed on or after the date the provision comes into force, the offender is aged 18 or over when the offence was committed and aged 21 or over at the point of conviction, where there is a significant risk of serious harm occasioned by the commission by the offender of further serious terrorism offences or other offences specified in section 308 of the Sentencing Code (that is, the offender is assessed to be 'dangerous'), where the 'risk of multiple deaths' condition is met, and where the court does not impose a life sentence.
- 94 In new section 282B, subsection (2) provides that the court must then impose the sentence unless exceptional circumstances apply in relation to the offence or the offender that justify not imposing a serious terrorism sentence in the aforementioned circumstances.
- 95 Subsections (3) and (4) defines the risk of multiple deaths condition, requiring that the offender was aware or ought to have been aware that the offending was very likely to result in or contribute to the deaths of at least two people as the result of an act of terrorism, as defined in section 1 of the Terrorism Act 2000, irrespective of whether or not any deaths actually occurred.
- 96 In new section 282B, subsection (5) defines the day on which the offence was committed, if it took place over two days or more, the offence is to be taken to have been committed on the last of those days. As set out in new subsection (1) it applies to offences committed on or after this section comes into force.
- 97 In new section 282B, subsection (6) provides that the pre-sentence report requirements in section 30 of the Sentencing Code apply in determining the risk of serious harm or assessment of dangerousness under new subsection 268B(1)(d).
- 98 New section 282C provides for the term of the new serious terrorism sentence for those aged 21 or over. Subsection (2) provides that the appropriate custodial term will include a period of detention with a minimum of 14 years or longer as set in line with section 231 of the

Sentencing Code. Subsections (3) and (4) provide this will be followed by an extended licence period, determined by the court according to the need to protect the public from the risk of harm of committing further serious terrorism offences or other specified offences posed by the offender, of between 7 and 25 years.

Section 6: Serious terrorism sentence: Scotland

- 99 Section 6 creates a new type of sentence of imprisonment for serious terrorist offenders, who risked multiple deaths with their offending and are aged 18 or over, in the Criminal Procedure (Scotland) Act 1995 (“1995 Act”) by inserting new section 205ZA to section 205 of that Act.
- 100 In new section 205ZA(1) outlines the criteria for the court to impose the sentence; where the offence was committed on or after the date the provision comes into force; the offender is aged 18 or over when the offence was committed; the court is of the opinion that there is a significant risk to the public of serious harm occasioned by the commission by the offender of further serious terrorism offences or other terrorism offences specified in 210A of this Act; the court does not impose a life sentence or an Order for Lifelong Restriction and the risk of multiple deaths condition is met.
- 101 In new section 205ZA(2) requires that, where the offender is aged 21 or over, the court must then impose a serious terrorism sentence of imprisonment unless there are exceptional circumstances which justify not doing so where the aforementioned circumstances are met.
- 102 New section 205ZA(3) and (4) defines the risk of multiple deaths condition, requiring that the offending was very likely to result in or contribute to the deaths of at least two people as the result of an act of terrorism, as defined in section 1 of the Terrorism Act 2000, irrespective of whether or not any deaths actually occurred and that the offender was aware, or ought to have been aware of that likelihood.
- 103 New section 205ZA(5) requires that the serious terrorism sentence of imprisonment must comprise the appropriate custodial term (defined in subsection (8) to be a minimum of 14 years) and an extension period to be served on licence.
- 104 New section 205ZA(6) requires that, where the offender is aged under 21 the court must impose a serious terrorism sentence of detention unless there are exceptional circumstances which justify not doing so where the aforementioned circumstances are met.
- 105 New section 205ZA(7) requires that the serious terrorism sentence of detention must comprise the appropriate custodial term (defined in new subsection (8) to be a minimum of 14 years) and an extension period to be served on licence.
- 106 New section 205ZA(8) provides that the appropriate custodial term will be a minimum of 14 years. Subsections (9) and (10) provide this will be followed by an extended licence period of between 7 and 25 years, determined by the court according to the need to protect the public from the risk of harm posed by the offender if they were to commit further serious terrorism offences and certain other terrorist related offences.
- 107 New section 205ZA(11) requires the court to consider a report by a relevant officer of a local authority about the offender and their circumstances, and where the court deems necessary, hear that officer. New subsection (12) defines “local authority” and “relevant officer” with the meanings given by section 27 of the 1993 Act and defines “serious terrorism offence” as an offence specified in Part 1 of Schedule 5ZA or in Part 2 of that Schedule and has been aggravated by reason of having a terrorist connection under section 31 of the 2008 Act.
- 108 Section 6(2) inserts Schedule 5ZA to the 1995 Act (Schedule 4 to this Act), which defines the serious terrorism offences which attract the serious terrorism sentence.

Section 7: Serious terrorism sentence: Northern Ireland

- 109 Section 7 creates a serious terrorism sentence within the 2008 Order for offenders who committed a serious terrorism offence that risked multiple deaths, and are aged 18 or over by inserting a new 13A to the 2008 Order.
- 110 New section 13A(1) requires the court to impose the serious terrorism sentence where; the offence was committed on or after the date the provision comes into force; the offender is aged 18 or over when the offence was committed; the court is of the opinion that there is a significant risk to the public of serious harm occasioned by the commission by the offender of further such offences or other specified offences; the risk of multiple deaths condition is met and the court is not required by Article 13 to impose a life sentence or an indeterminate custodial sentence.
- 111 New section 13A(2) requires that the court must impose a serious terrorism sentence unless there are exceptional circumstances which justify not doing so where the aforementioned circumstances are met.
- 112 New section 13A(3) and (4) defines the risk of multiple deaths condition, requiring that the offending was very likely to result in or contribute to the deaths of at least two people as the result of an act of terrorism, as defined in section 1 of the Terrorism Act 2000, irrespective of whether or not any deaths actually occurred and that the offender was aware or ought to have been aware of that likelihood.
- 113 New section 13A(5) requires that, where the offender is aged 21 or over, the serious terrorism sentence of imprisonment must comprise the appropriate custodial term (defined in new subsection (8) to be a minimum of 14 years) and an extension period to be served on licence.
- 114 New section 13A(6) defines that, where the offender is aged under 21 a serious terrorism sentence is a sentence of detention to be served in a place and conditions as directed by the Department of Justice, and must comprise of the appropriate custodial term (defined in new subsection (8) to be a minimum of 14 years) and an extension period to be served on licence.
- 115 New section 13A(7) defines that a person detained under subsection (6) is to be detained in legal custody.
- 116 New section 13A(8) provides that the appropriate custodial term will be a minimum of 14 years or if longer the term that would (apart from this Article and Articles 14 and 15A) be imposed in compliance with Article 7 of the 2008 Order.
- 117 New section 13A(9) further details that where the court considers it appropriate to do so, they may take into account a guilty plea in accordance with Article 33(1) of the Criminal Justice (Northern Ireland) Order 1996 as long as the custodial term is no less than 11 years and 73 days.
- 118 New section 13A(10) provides for the court to specify a lesser period for the custodial term than the minimum set out at new subsection (8), or where a guilty plea has been taken into account, if it consider it appropriate, in accordance with section 73(2) of the Serious Organised Crime and Police Act 2005, where the offender has given assistance to the prosecution.
- 119 New section 13A(11) provides that the extended licence period must be between 7 and 25 years, determined by the court according to the need to protect the public from the risk of harm of committing further serious terrorism offences or other specified offences posed by the offender.

120 New section 13A(12) directs that a court that imposes a sentence under this section shall not impose a suspended sentence under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968. New subsection (13) directs that remission shall not be granted under prison rules to an offender sentenced under this section.

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

121 Section 8 provides the court may reduce the custodial term specified in section 2 from the 14-year minimum, to a maximum reduction to 80 per cent, where the offender pleads guilty. Section 8 inserts a new subsection (2A) into section 73 of the Sentencing Code which provides that if the court imposes a serious terrorism sentence of detention in a young offender institution, or a serious terrorism sentence of imprisonment, nothing in the new subsection 268C(2) or 282C(2) prevents the court, after taking into account any matter referred to in subsection (2) of Section 73 of the Sentencing Code, from imposing the appropriate custodial term of any length not less than 80 per cent of the term otherwise required.

Section 9: Reduction in appropriate custodial term for guilty pleas: Scotland

122 Section 9 inserts a new subsection (1B) and (1C) to section 196 of the 1995 Act to ensure that a guilty plea can be taken into account when setting the sentence, up to 80 per cent of the term otherwise required.

123 New subsection (1B) defines that new subsection (1C) applies where the court is imposing on an offender to a sentence of imprisonment for life under section 205ZB, an order for lifelong restriction to which section 205ZB applies to the offender, a serious terrorism sentence of imprisonment under section 205ZA(2) or a serious terrorism sentence of detention under section 205ZA(6) the court may impose as the appropriate custodial term or, as the case may be, specify the punishment part, a term of any length which is not less than 80 per cent of the term otherwise required.

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

124 Section 10 of this Act allows the court to impose a lower custodial term for serious terrorist offenders who have assisted the prosecution and are sentenced to the serious terrorism sentence which carries a minimum custodial term of 14 years. It does so by inserting a new subsection (4A) to section 74 of the Sentencing Code so that nothing in section 268C(2) or 282C(2) affects the court's power under subsection (2) to take into account the extent and nature of any assistance to the prosecution given or offered when determining the appropriate custodial term for an offender.

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

125 Section 11 requires that where a discretionary life sentence is given to an offender who would otherwise be sentenced to a serious terrorism sentence, the minimum custodial term must be at least 14 years, adjusted for time spent on remand or tagged bail, unless the court finds there are exceptional circumstances which justify a lesser period. This is to ensure consistency in the minimum term imposed on those convicted of serious terrorism offences.

126 Section 11 amends section 323 of the Sentencing Code to include new subsection (3) – (6). New subsection (3) provides that the minimum term in a serious terrorism case must be at least 14 years, subject to subsection 323(5) and (6).

127 New subsection (4) in section 323 defines a serious terrorism case as a case where the court would be required by subsection 268B(2) or 282B(2) (as inserted by this Act) to impose a serious terrorism sentence, were it not passing a life sentence.

128 New subsection (5) and (6) in section 323 direct that the minimum term may be less than 14 years if the court is of the opinion that there are exceptional circumstances which relate to the offence or the offender and justify a lesser period or, if the court considers it appropriate to account for time on remand or tagged bail and if the court had sentenced the offender under section 268B(2) and 282B(2) the effect section 73 (reductions for guilty pleas) and section 74 (reductions for assistance to the prosecution) would have had.

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

129 Section 12 creates the minimum 14-year custodial term to be imposed as the punishment part of the sentence for a serious terrorism offender who would otherwise receive a serious terrorism sentence but is given a life sentence or an Order for Lifelong Restriction in Scotland. It inserts new section 205ZB into the 1993 Act. This is to ensure consistency in the minimum term imposed on those convicted of serious terrorism offences.

130 New section 205ZB(3) provides that the punishment part may be less than 14 years where the court considers there are exceptional circumstances which justify not doing so.

131 New section 205ZB(4) sets out that prior to imposing a sentence of imprisonment for life, the court must consider a report by a relevant officer from the local authority about the offender and their circumstances, and if the court thinks it necessary hear that officer. New subsection (5) defines local authority and relevant officer as set out in section 27 of the 1993 Act.

Section 13: Minimum tariff for serious terrorism offenders given life sentences:

Northern Ireland

132 Section 13 creates the minimum 14-year term for a serious terrorism offender who would otherwise have received a serious terrorism sentence but is given a life sentence in Northern Ireland by amending the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)). It inserts section 5A which introduces a minimum 14-year tariff in serious terrorism cases where the court is imposing a life sentence. This is to ensure consistency in the minimum term imposed on those convicted of serious terrorism offences.

133 New section 5A(1) requires the court to specify a 14-year minimum as specified under Article 5(1). New subsection (2) provides for the court to specify a lesser period for the custodial term than the minimum of 14 years where the court considers it appropriate to take into account a guilty plea in accordance with Article 33(1) of the Criminal Justice (Northern Ireland) Order 1996, as long as the custodial term is no less than 11 years and 73 days.

134 New section 5A(3) provides for the court to give a lesser period than the 14-year minimum if it considers it appropriate, in accordance with section 73(2) of the Serious Organised Crime and Police Act 2005, where the offender has given assistance to the prosecution.

135 New section 5A(4) provides for the court to specify a period of less than 14 years where it finds there are exceptional circumstances that relate to the offence or the offender.

136 New section 5A(5) defines a serious terrorism case as a case where the court would be required by Article 13A (as inserted by this Act) to impose a serious terrorism sentence, were it not passing a life sentence or an indeterminate custodial sentence. New subsection (6) defines “indeterminate custodial sentence” under Article 13(4) of the 2008 Order.

Section 14: Minimum custodial period for serious terrorism offenders sentenced to indeterminate custodial sentences: Northern Ireland

137 Section 14 amends Article 13 of the 2008 Order which governs the minimum length of the custodial term to be given in indeterminate custodial sentences for offenders aged 18 and over after the commencement of this Act. It requires that where an indeterminate custodial sentence is given to an offender who would otherwise be sentenced to a serious terrorism

sentence, the minimum custodial period must be at least 14 years, adjusted for time spent on remand or tagged bail. This is to ensure consistency in the minimum term imposed on those convicted of serious terrorism offences.

138 Section 14(2) and (3) insert paragraphs (3A) to (3E) to Article 13 of the 2008 Order. New paragraph 3A specifies that a serious terrorism case specified under (3)(b) must be at least 14 years, subject to paragraphs (3C) to (3E).

139 New paragraph (3B) defines a serious terrorism case as a case where the court would be required by Article 13A (as inserted by this Act) to impose a serious terrorism sentence, were it not passing an indeterminate custodial sentence.

140 New paragraph (3C) provides for the court to specify a lesser period for the custodial period than the minimum of 14 years where the court considers it appropriate to take into account a guilty plea in accordance with Article 33(1) of the Criminal Justice (Northern Ireland) Order 1996, as long as the custodial term is no less than 11 years and 73 days.

141 New paragraph (3D) provides for the court to give a lesser period than the 14-year minimum if it consider it appropriate, in accordance with section 73(2) of the Serious Organised Crime and Police Act 2005, where the offender has given assistance to the prosecution.

142 New paragraph (3E) provides for the court to specify a period of less than 14 years where it finds there are exceptional circumstances that relate to the offence or the offender.

Section 15: Additional offences attracting extended sentence: England and Wales

143 Section 15 sets out a number of offences which will now attract an extended sentence, where they are found to have a terrorist connection. Section 15 amends Part 3 of Schedule 18 to the Sentencing Code.

144 The effect of these changes is that that any offender, convicted of the additional offences added by this section, who is eligible for a serious terrorism sentence but who does not receive one may be given an extended sentence.

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

145 Section 16 amends section 256(4) of the Sentencing Code to extend the maximum licence period to 10 years for offenders under 18 sentenced to an extended sentence under section 254 of the Sentencing Code, for cases which meet the definition of a serious terrorism offence, as defined in section 2 of this Act.

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

146 Section 17 inserts an extension period of up to 10 years for offenders under 21 sentenced to an extended sentence of detention in a young offender institution into section 268(4) of the Sentencing Code, for cases which meet the definition of a serious terrorism offence, as defined in section 2 of this Act.

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

147 Section 18 increases the maximum extension period to 10 years for adults aged over 21 at the time of conviction who are sentenced to an extended sentence for a serious terrorism offence as defined in section 2 of this Act, by amending text at section 281(4)(b) of the Sentencing Code.

Section 19: Additional terrorism offences attracting extended sentence: Scotland

148 Section 19 sets out a number of offences which will now attract an extended sentence in Scotland, including terrorist offences and where offences are found to have a terrorist connection by the court. It amends section 210A of 1995 Act to add as new Schedule 5ZC, as set out in Schedule 5 to this Act.

Section 20: Extended custodial sentences for serious terrorism offenders: Northern Ireland

149 Section 20 amends Article 14(1) of the 2008 Order to enable serious terrorism offences or other specified offences to attract extended custodial sentences in Northern Ireland, and also amends Article 14(8) to increase the maximum extended licence period of an extended sentence for a serious terrorism offence to 10 years.

150 Subsection (2) adds all serious terrorism offences to the scope of the extended sentence regime. This will apply to offenders convicted on indictment of a specified offence, or convicted of a serious terrorism offence after commencement of the provision.

151 Subsection (3) amends Article 14(8) of the 2008 Order to ensure that where an extended custodial sentence is given to an offender in respect of a serious terrorism offence, the maximum extended licence period available is 10 years, where the offender is convicted after the commencement of section 20 of this Act.

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

152 Section 21 replaces Schedule 13 to the Sentencing Code with the Schedule set out in Schedule 6 to this Act. This Schedule lists offences which require the imposition of a SOPC, where an extended sentence or life sentence is not imposed. This will bring a wider number of terrorism offences into the SOPC regime, removing the possibility of them being eligible for a standard determinate sentence.

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

153 Section 22 inserts a new section 252A into the Sentencing Code. This introduces a special sentence of detention for terrorist offenders of particular concern aged under 18, when convicted of a terrorism offence listed in Schedule 13 of the Sentencing Code, where the criteria for a life sentence and an extended determinate sentence are not met. The new sentence comprises a custodial term and a fixed 12-month period on licence. In accordance with the commencement provisions in section 50, section 22 will come into force on the day after the day on which the Bill is passed.

154 New section 252A(1) details that section 252A applies where a person aged under 18 is convicted of a terrorism offence listed in Part 1 of Schedule 13, the offence was committed on or after the date on which section 22 of this Act comes into force, and when the court does not impose a sentence of detention for life under section 250 in accordance with 258(2) in the Sentencing Code, nor an extended sentence of detention under section 254 of the Sentencing Code. It applies where the court would, apart from new section 252A, impose a sentence of detention under section 250 or a detention and training order.

155 New section 252A(2) has the effect that for these purposes the court can disregard any restrictions to imposing a detention and training order on those under 12 (due to section 234(1)(a) of the Sentencing Code) or under 15 and not a persistent offender (due to section 235(3) of the Sentencing Code). In these circumstances, new section 252A(3) confirms that the court must impose a sentence of detention under section 252A.

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021

- 156 New section 252A(4) defines that the term of the sentence must be equal to the aggregate of the appropriate custodial term as determined by the court and a further period of 1 year on licence. The aggregate of these must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.
- 157 New section 252A(5) defines “the appropriate custodial term” as the term which ensures the sentence is “appropriate” in the opinion of the court. New section 252A(6) clarifies that in instances where an offence has been committed over a period of 2 or more days it will be taken for the purposes of section s252A(1), to have been committed on the last of those days.
- 158 Section 22(3) also consequentially amends sections 265 and 278 of the Sentencing Code which set out the special sentence of detention in a young offender institution for offenders of particular concern aged 18 to 20, and the SOPC for adults aged 21 and over at the time of conviction, respectively to align with the new section 252A terrorism special custodial sentence for those under 18 at the time of conviction. It also preserves the existing approach for those aged 18 or over who commit a specified sexual offence (as listed in Part 2 of Schedule 13 to the Sentencing Code). For these sexual offences, the SOPC under sections 265 and 278 of the Sentencing Code will continue to apply to those aged 18 or over when the offence was committed.

Section 23: Terrorism sentence with fixed licence period: Scotland

- 159 Section 23 inserts new section 205ZC to the Criminal Procedure (Scotland) Act 1995, which creates a new terrorism sentence with a custodial term and a fixed licence period of one year. Those receiving this sentence will only be eligible for early release at the two-thirds point of the custodial part of their sentence if the Parole Board decides that they do not pose a risk to the public. On release, offenders will be subject to a minimum one-year licence period, regardless of whether they are released early or serve their full custodial term.
- 160 New section 205ZC(1) requires that the court must impose the new terrorism sentence where a person is convicted of a terrorism offence on indictment that was committed on or after the day on which this provision comes into force and the court does not impose a sentence of imprisonment for life, an order for lifelong restriction, a sentence to detention without limit of time, a serious terrorism sentence under section 205ZB as inserted by this Act, or an extended sentence under section.
- 161 New section 205ZC(2) clarifies that this sentence does not apply to offenders aged under 18 at the time of conviction, where the offence was committed prior to this Act coming into force.. It will apply to those aged under 18 at the time of conviction, where the offence is committed on or after the day this provision comes into force.
- 162 New section 205ZC(3) requires that where the offender is aged 21 or over, the court must impose a sentence of imprisonment comprising the appropriate custodial term and a further period of 1 year to be spent on licence under Part 1 of the 1993 Act.
- 163 New section 205ZC(4) outlines that if the offender is at least 16 years of age but under 21 (other than an offender falling under section 205ZC(5)) and where the court decides to impose a sentence of detention the court must impose a sentence of detention in a young offenders institution, comprising the appropriate custodial term and a further period of 1 year to be spent on licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- 164 New section 205ZC(5) requires if the offender is a child and the court decides to impose a sentence of detention, the place of detention will be determined under section 208 of the Criminal Procedure (Scotland) Act 1995, as will any conditions, and that the sentence term must comprise the appropriate custodial term and a further period of 1 year to be spent on licence under Part 1 of 1993 Act.

- 165 New section 205ZC(6) defines that the “appropriate custodial term” is the term for the sentence that the court deems appropriate.
- 166 New section 205ZC(7) outlines that a sentence of imprisonment or a sentence of detention imposed under section 205ZC must not exceed the term that, at the time the offence was committed was the maximum term permitted for the offence.
- 167 New section 205ZC(8) defines a terrorism offence to mean an offence that is specified in Schedule 5ZB or any other offence committed on or after section 23 of this Act comes into force and has been aggravated by reason of having a terrorist connection under section 31 of the 2008 Act.
- 168 Section 23(3) inserts Schedule 5ZB to the 1995 Act (Schedule 7 of this Act), which defines the terrorism offences which attract the terrorism sentence with fixed licence period.

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

- 169 Section 24 makes the corresponding amendments as made under section 23 of this Act but in respect of Northern Ireland. Section 24 inserts Article 15A to the 2008 Order to make provision for a new type of sentence for terrorist offenders with a fixed licence period of 12 months. Those receiving this sentence will only be eligible for early release at the two-thirds point of the custodial part of their sentence if the Parole Commissioners decides that they do not pose a risk to the public. On release, offenders will be subject to a minimum one-year licence period, regardless of whether they are released early or serve their full custodial term in detention. This aligns with the approach taken under section 23 in Scotland, and to the special sentence for offenders of particular concern in England and Wales, as amended by section 22.
- 170 New Article 15A(1) requires that the court must impose the new terrorism sentence, where a person is convicted after the commencement of this provision of a serious terrorism offence, a terrorism offence within Part 4 of Schedule 2A (as inserted by this Act) that is punishable with more than two years’ imprisonment, or any other offence where a terrorist connection is made.
- 171 Paragraphs (1)(b) and (c) clarify that this new type of sentence must apply where the court is not required to impose a life sentence or an indeterminate sentence under Article 13 of the 2008 Order, a serious terrorism sentence under Article 13A of the 2008 Order or an extended custodial sentence under Article 14 of the 2008 Order, but where the court decided to impose a custodial sentence.
- 172 Paragraph (2) clarifies that this sentence does not apply to offenders aged under 18 at the time of conviction where the offence was committed prior to this Act coming into force. It will apply to those aged under 18 at the point of conviction, where an offence is committed on or after the day this Act comes into force.
- 173 Paragraph (4) defines that if the offender is aged 21 or over at the time of conviction it must be a sentence of imprisonment for a term which is equal to the aggregate of the appropriate custodial term and a further period of one year on licence.
- 174 Paragraph (5) sets out provisions for when the offender is under 21 at the time of conviction, it must be a sentence of detention at such a place and conditions as the Department of Justice may direct, for a term which is equal to the aggregate of the appropriate custodial term and a further period of one year on licence.
- 175 Paragraph (6) provides that neither sentence term under paragraphs (4) or (5) should exceed the maximum term of imprisonment with which the offence is punishable (apart from Article 13). New article 15A(7) defines that the “appropriate custodial term” is the term for the sentence or the order that the court deems appropriate.

176 Paragraph (8) confirms expressly that detention under paragraph (5) will be detention in legal custody. Paragraph (9) directs that a court that imposes a sentence under this Article shall not impose a suspended sentence under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968. Paragraph (10) directs that remission shall not be granted under prison rules to an offender in respect of this sentence.

Section 25: Corresponding provision under service law

177 Section 25 provides for a corresponding provision in Schedule 8 for the sentences and changes in Part 1 of the Act to apply to those subject to service law (those serving in the Armed Forces).

178 Section 26: Increase in maximum sentences for certain terrorist offences

179 Section 26 provides for increases in the maximum sentences that are available for conviction on indictment for certain terrorism offences. Subsections (1)(a), (1)(b) and (2) respectively provide for the increases in the maximum sentences available for the three terrorism offences detailed in the table below:

Offence	Current maximum sentence	New maximum sentence
Membership of a proscribed organisation (section 11 of the Terrorism Act 2000)	10 years	14 years
Inviting or expressing support for a proscribed organisation (section 12 of the Terrorism Act 2000)	10 years	14 years
Attendance at a place used for terrorist training (section 8 of the Terrorism Act 2006)	10 years	14 years

180 Subsection (3) provides that the increases in the maximum sentences are available only in respect of offences that are committed on or after that date on which this section came into force and so will not apply to offences committed before that date.

Part 2: Release of terrorist offender

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

181 Part 2 of the Act provides for release arrangements for terrorist offenders. Although the sections which remove early release for dangerous terrorist prisoners refer to UK-jurisdiction specific sentencing provisions, Schedule 1 paragraph 15(2) of the Crime (Sentences) Act 1997 provides that prisoners who are transferred on an unrestricted basis are treated for the purposes of release as if the prisoner had been sentenced to an equivalent sentence in the receiving jurisdiction. By referring to all offences available in all UK jurisdictions in the corresponding Schedules, the Act ensures these transferred prisoners are captured by the removal of early release scheme if they are sentenced and released in two different UK jurisdictions.

182 In February 2020, the TORER Act 2020 made changes to the release of terrorist prisoners subject to fixed-term sentences in England, Wales and Scotland. For England and Wales, it created a new section 247A of the 2003 Act, so that the Secretary of State must refer terrorist offenders serving any determinate sentence to the Parole Board at the two-thirds point of the custodial term. It requires that the prisoner may only be released from the two-thirds point onwards, once the Parole Board has directed that it is no longer necessary for the protection of the public that the offender should be confined. For extended sentence prisoners, if the Board do not direct discretionary release, release will be automatic at the end of the custodial term. The Act amends section 247A of the 2003 Act to remove the early consideration by the Parole Board for release for extended sentence prisoners falling into the criteria in new subsection (2A), so such prisoners will serve their full custodial term before release.

183 Section 27(2)(a) inserts reference to Parts 1 and 2 of Schedule 19ZA into section 247A of the 2003 Act, and section 27(3) substitutes a replacement Schedule 19ZA, specifying the relevant offences to which the amended restricted release provisions apply. Section 27(2)(b) inserts a new subsection (2A) into section 247A of the 2003 Act, disapplying the two-thirds parole referral part of this provision for certain terrorist offenders sentenced to an extended sentence. New subsection (2A), read with subsections (7) and (8) of section 247A, provide that where a terrorist offender is sentenced to an extended determinate sentence or a new serious terrorism sentence on or after the date section 27 comes into force, for an offence with a maximum penalty of life imprisonment, they will not be referred to the Parole Board but will instead be released at the end of their custodial term. The new provision will apply regardless of whether the offender is an adult or under 18, or was sentenced under the 2003 Act or the Sentencing Code.

Section 28: Removal of early release on licence for certain terrorist prisoners: Scotland

184 The TORER Act 2020 amended the 1993 Act, to mirror the provisions for England and Wales, so that Scottish Ministers must refer terrorist offenders serving an extended sentence to the Parole Board at the two-thirds point of the custodial term. It requires that the prisoner may only be released from the two-thirds point once the Parole Board has directed that it is no longer necessary for the protection of the public that the offender should be confined. If the Board does not direct such release, extended sentence prisoners will be automatically released at the end of their custodial term. Section 28 makes the corresponding amendments as made under section 27 of this Act but for Scotland, so reference to the Parole Board for early release is disappplied for prisoners serving extended sentences and serious terrorism sentences falling within the criteria of new subsection (2A), and such prisoners will instead serve the entire custodial period.

185 Section 28(2)(a) inserts reference to Parts 1 and 2 of Schedule 1A into section 1AB of the 1993 Act, and section 28(3) substitutes a replacement Schedule 1A, specifying the relevant offences to which the amended restricted release provisions apply.

186 Section 28(2)(b) inserts a new subsection (2A) into section 1AB of the 1993 Act, disapplying the two-thirds parole referral part of this provision for certain terrorist offenders serving an extended sentence. New subsection (2A) provides that, where a terrorist offender is sentenced to an extended sentence or a new serious terrorism sentence on or after the date the section comes into force, for an offence with a maximum penalty of life imprisonment, they will not be referred to the Parole Board (the result of which is they will instead be automatically released at the end of their custodial term). The new provision will apply regardless of whether the offender is an adult or under 18.

Section 29: Further provision about release of terrorist prisoners: Scotland

- 187 Section 29 ensures that Part 1 of the 1993 Act applies, with modifications, to persons subject to a terrorism sentence by inserting new section 26ZA into the 1993 Act.
- 188 New section 26ZA defines a terrorism sentence as a new serious terrorism sentence, the new terrorism sentence with a fixed licence period and an extended sentence imposed for a terrorism offence.
- 189 Sections 26ZA(3), (9) and (10) set out how the rest of Part 1 of the 1993 Act will apply to a terrorism sentence in relation to working out the custodial period, and sections 26ZA(4) and (6) provide for the extended licence period to apply on release from the custodial period.
- 190 Sections 26ZA(7) and (8) set out how extension periods are to be served where there is more than one terrorism sentence being served, in that the licence periods from each sentence are added together. Section 26ZA(11) defines “appropriate custodial term” and “extension period” for the purposes of Section 26ZA.

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

- 191 Section 30 applies release restrictions to specified terrorist offenders in Northern Ireland, equivalent of those established in England and Wales and Scotland in the TORER Act 2020, so they serve two-thirds of their custodial term before being referred to the Parole Commissioners to consider release. These restrictions apply to all specified terrorist offenders who have not been released on licence, whether sentenced before or after the date of commencement.
- 192 Subsection (1) inserts a new release provision into the 2008 Order, Article 20A, applying to all relevant terrorist offenders, standardising their first eligible release point to the two-thirds point of their sentence and referring all such offenders to the Parole Commissioners for consideration of whether they are safe to release from that point, prior to the end of their sentence (or custodial term).
- 193 New Article 20A(1) provides for the revised release arrangements to apply to all fixed-term prisoners, including those sentenced before commencement.
- 194 New Article 20A(2) specifies the terrorism and terrorism-connected offences to which the release arrangements of Article 20A will apply, as set out in the new Schedule 2A to the 2008 Order, including corresponding service offences.
- 195 New Article 20A(3) to (7) provides for restrictions on early release for terrorist offenders serving determinate custodial sentences, extended sentences imposed before commencement of the provisions, or where the maximum penalty for the offence is not life imprisonment, and the new terrorism sentence. New paragraphs (3) and (4) provide that the Department of Justice must release the prisoner once the relevant part of the sentence is served (defined in paragraph (9)) and the Parole Commissioners have directed release, only once they have determined that it is no longer necessary for the protection of the public that the prisoner should be confined.
- 196 New Article 20A(5) provides for the terrorist offender’s case to be referred to the Parole Commissioners at the two-thirds point of the sentence and then every two years from the original referral unless otherwise specified by the Parole Commissioners (including after recall on licence).

197 New Article 20A(6) clarifies that if a relevant terrorist offender has been referred to the Parole Commissioners and they did not direct the release of the prisoner, they must be referred again by the Department of Justice no later than two years from the date of the last reference.

198 New Article 20A(7) provides that any time spent unlawfully at large will not be counted towards the relevant part of the sentence.

199 New Article 20A(8) provides for automatic “first release” on licence at the end of the appropriate custodial term for those offenders serving the new serious terrorism sentence, the new terrorism sentence or an extended custodial sentence.

200 New Article 20A(9) defines terms in Article 20A, including defining “relevant part of the sentence” as two-thirds of the custodial term or sentence.

201 New Article 20A(10) provides for relevant extended sentence offenders who have already begun their parole review process before commencement of the Act, bringing them into the scope of the provisions for subsequent referrals to the Parole Commissioners.

202 Section 30(2) makes it clear that those offenders who have already received a release direction from the Commissioners, who remain in prison, are unaffected by the provisions of the Act.

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

203 Section 31 amends Article 20A of the 2008 Order (as inserted by section 30). It provides that where a terrorist offender is sentenced to an extended sentence or a new serious terrorism sentence on or after the date the section comes into force, for an offence with a maximum penalty of life imprisonment, they will not be referred to the Parole Commissioners but will instead be released at the end of their custodial term. The new provision will apply regardless of whether the offender is an adult or under 18. This aligns Northern Ireland with the changes in section 27 for England and Wales and section 28 for Scotland.

Section 32: Polygraph licence conditions for terrorist offenders released on licence: England and Wales

204 Section 32 of the Act amends section 28 of the Offender Management Act 2007 (“the 2007 Act”) which provides for specified offenders serving a relevant custodial sentence (defined in section 28(3) of the 2007 Act) to have a condition included in their licence requiring them to undergo polygraph testing. Section 32 extends the provision of polygraph testing to adult terrorist offenders subject to the release provisions of section 247A of the 2003 Act, or those who have committed an offence with a determined terrorist connection (or the service offence equivalent).

205 Subsection (3) amends section 29 of the 2007 Act to provide that rules made under section 29(6) relating to the conduct of polygraph sessions may make different provision for different purposes, consequential and other amendments. This is so that different rules could be made for different types of offending. As enacted, polygraph provisions only applied to sex offenders, so this provision provides flexibility should different rules be required for terrorist offenders.

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

206 This section introduces Schedule 11, which sets out arrangements for release on licence of terrorist prisoners repatriated to the United Kingdom, so that their release provisions are consistent with the provisions in the Act as compared to those sentenced in the UK.

Part 3: Prevention and investigation of terrorism

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

207 Section 34 amends section 3(1) TPIMA 2011 to lower the standard of proof for imposing a TPIM from “balance of probabilities” to “reasonable belief”. The Secretary of State must therefore reasonably believe that an individual is, or has been, involved in terrorism-related activity before imposing a TPIM notice.

Section 35: TPIMs: extension of time limit

208 Section 35 amends section 5 TPIMA 2011 to extend the maximum duration of a TPIM from two to five years. The effect of this is that a TPIM notice will continue to last for one year at a time but be capable of annual renewal up to a maximum of five years (provided the conditions in section 3 of that Act continue to be met).

209 Sections 35(3) to (6) make consequential amendments to TPIMA 2011 flowing from the extension of the time limit to five years. In particular, subsection (7) makes it clear that the amendment to section 5 TPIMA 2011 does not apply to TPIM notices in place before this section comes into force: TPIMs imposed before this date will last for a maximum of 2 years.

Section 36: TPIMs: variation of measures

210 Section 36 inserts an additional ground for variation into section 12 TPIMA 2011. By virtue of this amendment, it will be possible for the Secretary of State to vary the relocation measure in a TPIM notice if considered necessary for resource reasons. This power will only apply where the individual has already been relocated away from his home address, and where the national security reason for requiring relocation still exists.

211 A non-exhaustive example of when this power might be relied on is as follows: a TPIM subject is relocated away from his home address to a residence in area X. During the life of the TPIM, police resources in area X become stretched or more specialist resources are available elsewhere, so the relocation measure is varied to provide for a new residence in area Y, and the TPIM subject is required to move there.

212 Section 36(3) amends section 16 of TPIMA 2011 (appeals and court proceedings) to include this additional ground of variation. Decisions to vary the relocation measure for resource reasons will therefore be capable of appeal. As with other unilateral variations to the TPIM notice, the function of the appeal court will be to review whether the variation was necessary for purposes connected with preventing or restricting the individual’s involvement in terrorism-related activity. But additionally, for variations to the relocation measure on resource grounds, the function of the appeal court will also be to review whether the variation was indeed necessary for the efficient and effective use of resource.

213 The amendments in section 36 have no effect on the other grounds of variation provided for in section 12(1) TPIMA 2011. A TPIM notice will therefore continue to be capable of variation if it consists of the relaxation or removal of measures; by consent of the TPIM subject; or to prevent or restrict a TPIM subject’s involvement in terrorism-related activity.

Section 37: TPIMs: extension of residence measure

214 Section 37 amends the Overnight residence measure in Schedule 1 TPIMA 2011 to remove the word “overnight”. The consequence of this is that the newly-named “Residence measure” will now allow the Secretary of State to require a TPIM subject to remain at or within a specified residence between any such hours as are specified. This period could be longer than overnight if considered necessary in a particular case (subject to the overriding restrictions on length of curfews established by caselaw relating to Article 5 of the European Convention on Human Rights).

Section 38: TPIMs: polygraph measure

215 Section 38 inserts a new measure into Schedule 1 TPIMA 2011: a polygraph measure. Polygraphy is a means of measuring certain physiological responses that may be associated with deception. This section allows the Secretary of State to impose a requirement on an individual who is subject to a TPIM notice to participate in a polygraph examination for the purposes of: (i) monitoring their compliance with their other TPIM measures; and (ii) assessing whether variation of those other measures is necessary for purposes connected with preventing or restricting the individual’s involvement in terrorism-related activity. The availability of polygraph as a TPIM measure provides a potential additional source of information about individuals of terrorism concern which can assist with the management of TPIM subjects. The results of the polygraph examination could be used to vary the individual’s measures. This might take the form of a relaxation (for example removing or easing a measure), or adding a further restriction, provided it is necessary and proportionate to do so.

216 New paragraph 10ZA(2) of Schedule 1 TPIMA 2011 provides a power for the Secretary of State to make regulations governing the conduct of polygraph testing.

217 New paragraph 10ZA(4) provides that the information gleaned during the polygraph test (either by way of admission, or by physiological reaction) will not be used in evidence against the TPIM subject for the prosecution of a criminal offence.

218 Section 38(2) provides that instructions given to TPIM subjects by polygraph operators are “TPIM decisions” and so cannot be questioned in legal proceedings other than in the High Court (or, in Scotland, the Outer House of the Court of Session) (or, in Northern Ireland, the High Court in Northern Ireland).

Section 39: TPIMs: drug testing measure

219 Section 39 inserts a new measure into Schedule 1 TPIMA 2011: a drug testing measure. If imposed, a TPIM subject would be required to submit to drug testing by way of providing a relevant sample. As with the other measures in Schedule 1, this measure may only be imposed if Condition D in section 3 of the Act is met (or by way of variation under section 12).

220 Testing is limited to testing for the presence of specified Class A and B drugs. Those drugs are the same as the Class A and B drugs specified in the Criminal Justice and Court Services Act 2000.

221 The definition of “permitted sample” in new paragraph 10ZB(2) of TPIMA 2011 sets out an exhaustive list of the non-intimate samples which may be taken, mirroring the definition of “non-intimate sample” in section 65 of the Police and Criminal Evidence Act 1984.

222 Drug testing under this section may only be carried out by a constable at a police station, but new paragraph 10ZB(2) contains a power for the Secretary of State to make regulations prescribing additional or alternative testers and places of testing. Paragraph 10ZB(4) provides that these regulations may make different provision for different purposes or areas, and incidental or supplemental provision.

223 Section 39(2) provides that directions given to TPIM subjects by persons authorised to take samples for drug-testing purposes are “TPIM decisions” and so cannot be questioned in legal proceedings other than in the High Court (or, in Scotland, the Outer House of the Court of Session and, in Northern Ireland, the High Court in Northern Ireland).

Section 40: TPIMs: provision of information

224 Section 40 amends an existing measure and inserts a new measure into Schedule 1 TPIMA 2011, to allow the Secretary of State to require the provision of additional information.

225 Subsection (2) amends the Electronic Communication Device measure in two ways. First, to require the TPIM subject to provide details of any electronic communication devices possessed or used by the TPIM subject or any other individuals in the TPIM subject’s residence (for example, mobile phone numbers of family members residing with the TPIM subject). Secondly, to clarify that the definition of “electronic communication device” includes not only those devices which are designed or adapted for connecting to the internet, but also those capable of being adapted to do so (likewise for fax transmissions).

226 Subsection (3) inserts a new measure into Schedule 1 TPIMA 2011: to enable the Secretary of State to require a TPIM subject to provide details of their address. This could be required, for example, if a TPIM subject has not been relocated and moves house during the life of the TPIM. Where a TPIM subject resides in a multiple occupancy property, they may be required to give precise details about which room they live in.

227 Subsection (3) also inserts new paragraph 12A(2) into Schedule 1 TPIMA 2011 which provides a power for the Secretary of State to specify other conditions in connection with the disclosure of the address information. This power could be relied upon to require a TPIM subject to give relevant notice a certain time ahead of a planned move.

Section 41: TPIM annual review

228 Section 41 amends section 20 TPIMA 2011 to require an annual review of that Act by the Independent Reviewer of Terrorism Legislation (“IRTL”) for a period of five years beginning with 2022 (with reviews at the discretion of the reviewer after that point).

Section 42: Additional offences attracting notification requirements

229 Section 42 amends section 41(1) of the 2008 Act to add the offences of breach of a requirement specified in a TPIM notice (an offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011) and breaching a restriction or an obligation specified in a temporary exclusion order (an offence under section 10 of the Counter-Terrorism and Security Act 2015) to the list of relevant terrorism offences that trigger the notification requirements under Part 4 of the 2008 Act.

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

230 Section 43 refers to Schedule 12 which enables the police to make a direct application to the High Court (or in Scotland the Court of Session) for a Serious Crime Prevention Order (SCPO) in relation to individuals over the age of 18 involved in terrorism, supporting their use in terrorism cases.

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

231 Section 44 requires the Secretary of State to review the operation of these amendments and publish the outcome of the review in a report. The report must be published within 3 years of section 44 coming into force.

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

232 Section 45(1) amends section 20 of the CTBSA 2019 to remove the statutory deadlines relating to the independent review of the Prevent Strategy, that were provided by section 20(8) and (9) respectively. Section 45 does not amend the obligations to which the Secretary of State is subject under those provisions, other than the specified deadlines.

233 Subsection (1) amends section 20(8) and (9) of the Counter-Terrorism Act 2019. Subsection (2) provides that the amendments made by section 45(1) are treated as having had effect from the time when section 20 of the CTBSA 2019 came into force. This provision is included to address any past periods during which the statutory deadline was not met.

Part 4: General

Section 46: Consequential and related amendments

234 Section 46 provides for Schedule 13 which contains consequential amendments.

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

235 Section 47 gives the Secretary of State the power to amend the Sentencing Code to incorporate changes to provisions made by this Act, using the power contained in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions).

Section 48: Power to make further consequential provision

236 Section 48 gives the Secretary of State the power to make consequential, transitional, transitory or saving provision by regulations in relation to any provision in the Act, by statutory instrument. Such provision may amend, repeal, or revoke primary legislation if it has been approved by each House of Parliament. This provision covers legislation made by Parliament, by the Scottish Parliament, by Senedd Cymru, or through Northern Ireland legislation. Such regulations are to be made by the affirmative Parliamentary process if amending primary legislation, otherwise by the negative procedure.

237 Section 48 also amends the Criminal Justice and Court Services Act 2000 and its power to make consequential amendment. Section 61 of the Criminal Justice and Court Services Act 2000 abolishes the sentence of detention in a young offender institution (known as "DYOI"), but it has never been put into effect. The section enables a power to make any amendments which would arise as a consequence of sentences of detention in young offender institutions (known as "DYOI") being abolished by that Act, to ensure an exact correspondence between the Sentencing Code (which would make the consequential amendments that would be required as a result of the abolition of DYOI) and this Act so that the DYOI provisions in this Act are legally effective.

Section 49: Extent

238 Section 49 explains the territorial extent of the provisions in the Act. The Act contains provisions that extend to England and Wales, Scotland, and Northern Ireland. Provisions in the Act that change existing legislation are only applicable to the territories to which the existing legislation extends. Certain provisions can also be extended to the Channel Islands or Isle of Man as per the powers specified in this section.

Section 50: Commencement

239 Section 50 states when each provision in this Act comes into force. Some provisions commence on the day after the day on which the Act is passed; others at two months from the date on which the Act is passed; and remaining provisions come into force on a day the Secretary of State appoints by regulation. Provisions relating to service law will be brought into force by commencement regulations for the purposes of sentencing in the service courts.

Section 51: Short title

240 Section 51 gives the shortened title by which the Act can be referred to.

Schedules

Schedule 1: Offences where terrorist connection not required to be considered

241 Schedule 1 Part 1 lists, for England and Wales and service offences, the offences the court need not consider whether they have a terrorist connection as they are terrorism offences. It inserts this list as Schedule A1 to the Sentencing Code.

242 Schedule 1 Part 2 inserts Schedule 1A into the 2008 Act, listing offences that Northern Irish and Scottish courts need not consider whether they have a terrorist connection, as they are terrorism offences.

Schedule 2: Serious terrorism offences: England and Wales

243 Schedule 2 inserts the list of offences that are serious terrorism offences into the Sentencing Code as Schedule 17A. The offences listed are those which have a maximum penalty of life imprisonment.

Schedule 3: Terrorist offences: Northern Ireland

244 Schedule 3 sets out the list of relevant terrorist offences in Northern Ireland, to be inserted as Schedule 2A to the Criminal Justice (Northern Ireland) 2008 Order. This covers both those offences which bring eligibility for the serious terrorism offence and those offences which bring eligibility for the other sentences in this Act, as well as eligibility for the new restricted release regimes introduced by the Act.

Schedule 4: Serious terrorism offences: Scotland

245 As Schedule 2 does for England & Wales, Schedule 4 inserts the list of offences that are serious terrorism offences into the relevant Scottish legislation as Schedule 5ZA to the Criminal Procedure (Scotland) Act 1995.

Schedule 5: Terrorism offences attracting extended sentence: Scotland

246 Schedule 5 inserts, as Schedule 5ZC to the Criminal Procedure (Scotland) Act 1995, the list of offences attracting the extended sentence for Scotland. Part 1 lists the terrorist offences which will attract an extended sentence. Part 2 lists those sentences which will now attract an extended sentence, where they are found to have a terrorist connection, in line with those set out in section 15 of this Act for England and Wales.

Schedule 6: Offences attracting special custodial sentence for offenders of particular concern: England and Wales

247 This Schedule replaces Schedule 13 of the Sentencing Code with a new list of offences which require the imposition of a SOPC, where an extended sentence or life sentence is not imposed. This will bring a wider number of offences into the SOPC regime, removing the possibility of them being eligible for a standard determinate sentence. Part 1 sets out the relevant terrorist offences, while Part 2 reproduces the list of sexual offences which can attract a SOPC, which this Act makes no change to.

Schedule 7: Terrorism sentence with fixed licence period: Scotland

248 This inserts, as Schedule 5ZB to the Criminal Procedure (Scotland) Act 1995, the list of terrorist offences which attract the terrorism sentence with fixed licence period (defined in section 23 of this Act), including both terrorist offences and those found to have a terrorist connection.

Schedule 8: Corresponding sentence provision under service law

249 Schedule 8 amends the Armed Forces Act 2006 to create equivalents for the serious terrorism sentence for those aged 18 and over, and the special custodial sentence for terrorist offenders of particular concern aged under 18.

Schedule 9: Offences attracting restricted eligibility of terrorist prisoners for release on licence: England and Wales

250 This Schedule inserts a replacement Schedule 19ZA into the 2003 Act. Part 1 covers all offences for which a serious terrorism sentence may be imposed. Part 2 covers all offences for which a serious terrorism sentence may not be imposed but are considered terrorist offences with restricted early release. Part 3 covers all offences for which a serious terrorism sentence may be imposed further to the finding of a terrorism connection. Parts 1 and 3 also list the offences which qualify specified extended sentenced prisoners for the removal of early release regime in section 27.

Schedule 10: Offences attracting restricted eligibility of terrorist prisoners for release on licence: Scotland

251 This Schedule makes the corresponding changes to Schedule 9 for Scotland, by amending Schedule 1A to the 1993 Act. Part 1 covers all offences for which a serious terrorism sentence may be imposed. Part 2 covers all offences for which a serious terrorism sentence may not be imposed but are considered terrorist offences with restricted early release. Part 3 covers all offences for which a serious terrorism sentence may be imposed further to the finding of a terrorism connection. Parts 1 and 3 also list the offences which qualify specified extended sentenced prisoners for the removal of early release regime in section 28.

Schedule 11: Release on licence of terrorist prisoners repatriated to the United Kingdom

252 This Schedule provides for terrorist and terror related prisoners repatriated to the UK to be treated in respect of release provisions in the same way as such prisoners sentenced in the UK. It does this through amending the Repatriation of Prisoners Act 1984 in the following way:

253 Paragraph (2) inserts text into the Schedule of the 1984 Act that applies in relation to prisoners repatriated to England and Wales. The effect of the insertion is that if an offence committed by a repatriated prisoner corresponds to a terrorist offence specified in Part 1 of Schedule 19ZA to the 2003 Act, or to an offence found to have a terrorist connection by definition in new subparagraph (3E), and the warrant is annotated to that effect, the offender will be subject to the

release provisions in section 247A of the 2003 Act (for extended sentences for offences which carry a maximum penalty of life imprisonment, release will be at the end of the full custodial term; for all other sentences release will be at the discretion of the Parole Board from the two-thirds point of the custodial term). These offenders will also be subject to section 28 of the Offender Management Act 2007, meaning polygraph conditions can be imposed as part of their licence conditions when released from custody. New sub-paragraph (3F) gives the Secretary of State the power to amend a warrant (whether issued before or after commencement of this Act and whether or not the relevant transfer has taken place).

254 Paragraphs (3) and (4) insert text to the Schedule that applies equivalent provisions for prisoners repatriated to Scotland, both as it applies in relation to certain prisoners repatriated to Scotland on or after 27 June 2003 in accordance with section 33(2) of the Criminal Justice (Scotland) Act 2003 and otherwise. Prisoners who have committed an offence corresponding to a terrorist offence specified in Schedule 1A to the 1993 Act or a terror-related offence as defined in new sub-paragraph (3D), and the warrant is annotated to that effect, will be subject to the release provisions in section 1AB of the 1993 Act. New sub-paragraph (3E) of the inserted text gives Scottish Ministers the power to amend a warrant (whether issued before or after commencement of this Act the provisions in this section come into force and whether or not the relevant transfer the warrant authorises has taken place). Paragraph (5) inserts text into the Schedule of the Act that applies in relation to prisoners repatriated to Northern Ireland, amending paragraph 2A of the 1984 Act. It sets out that those who have committed relevant equivalent overseas offences will fall under the provisions of this Act.

Schedule 12: Serious Crime Prevention Orders: Power for the police to apply in terrorism-related cases

- 255 SCPOs are orders intended to be used against those involved in serious crime, with the terms attached to an order designed to protect the public by preventing, restricting or disrupting involvement in serious crime.
- 256 Schedule 12 amends the Serious Crime Act 2007 to expand the range of applicant authorities able to apply for an SCPO to include chief officers of police. The functions of chief officers of police are limited to applying in civil courts for SCPOs in terrorism-related cases, and only where they have consulted the relevant prosecuting authority prior to making the application.
- 257 The inclusion of chief officers of police as an applicant authority does not alter the power of other applicant authorities from also applying for an SCPO in terrorism-related cases.
- 258 An SCPO may be made by the Crown Court (in Scotland, the High Court of Justiciary or the sheriff) where it is sentencing a person who has been convicted of a serious offence (including when sentencing a person convicted of such an offence in a magistrates' court but committed to the Crown Court for sentencing). Orders may also be made by the High Court (in Scotland, the Court of Session or a sheriff) where it is satisfied that a person has been involved in serious crime, whether that involvement was in England and Wales, Scotland or Northern Ireland (as the case may be), or elsewhere, and where it has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the subject of the order in serious crime in England and Wales, Scotland or Northern Ireland (as the case may be). A serious offence is one which is listed in Schedule 1 to the 2007 Act, or an offence which is sufficiently serious that the court considers it should be treated as it were on the list.

Schedule 13: Consequential and related amendments

- 259 Part 1 amends a series of Acts to reflect the provision made under this Act to require the Court, in cases where it appears that any non-terrorism offence with a maximum penalty of over two years was committed in the course of an act of terrorism, or for the purposes of terrorism, to actively consider whether the offence was committed with a terrorist connection and should be aggravated as such.
- 260 Part 1, paragraph 1 amends the Terrorism Act 2000 to ensure all offences for which terrorism is an aggravating factor can be subject to forfeiture orders.
- 261 Part 1, paragraph 2 amends the Counter-Terrorism Act 2008 to remove the power to amend the list of offences where a terrorist connection is to be considered, as this is no longer needed. It also updates other references to offences where a terrorism connection is to be considered to reflect the provisions of this Act.
- 262 Part 1, paragraph 3 amends the Counter-Terrorism and Security Act 2015 to ensure that the Independent Reviewer of Terrorism Legislation has oversight of the new Schedule A1 of the Sentencing Act – which lists terrorism offences for which a terrorist connection is not required to be considered.
- 263 Part 1, paragraph 4 amends the Space Industry Act 2018 to remove references to the list of offences where a terrorist connection is to be considered.
- 264 Part 1, paragraph 5 amends the Counter-Terrorism and Border Security Act (CTBSA) 2019 so that changes made through section 8 of the CTBSA 2019 to the terrorist connection provisions no longer apply only in relation to an offence committed on or after the day on which the amendment comes into force. Section 8 of the CTBSA 2019 amends section 30 of the 2008 Act to require courts in Northern Ireland to consider whether specified offences have a terrorist connection and to extend the list of offences where such a connection must be considered in England and Wales, and Scotland. Part 1, paragraph 6 updates section 160(2) the Sentencing Act 2020 to reflect changes to offences which can be found to have a terrorist connection made by this Act. It updates Schedule 1 of the Sentencing Code to reflect changes made to offences found to have a terrorist connection. It also amends Schedule 23 of the Sentencing Act to remove the ability of the Secretary of State to amend the list of offences where a terrorist connection to be considered by regulations.
- 265 Part 2 amends the Criminal Justice Act 2003, Offender Management Act 2007 and Sentencing Act 2020 to ensure references are consistent with the new serious terrorism sentence. It also amends section 32 of the Criminal Justice Act 1982 to exclude the serious terrorism sentence in England and Wales from the power of the Secretary of State to release certain prisoners early in emergency circumstances; and section 37 of the Mental Health Act 1983 to provide that a requirement on a court to impose a serious terrorism sentence does not preclude it from ordering the offender's detention in hospital in cases where the offender has been determined to be suffering from a mental disorder.
- 266 Part 2, paragraph 9 makes changes to the Criminal Justice Act 2003. Paragraph 9(7) and (8) amend section 255C and 258 of the 2003 Act to ensure the correct release provisions apply to the new serious terrorism sentence. Paragraph 9(3) amends section 240ZA so that remand time is counted against the sentence. Paragraph 9(5) amends section 250 so that licence conditions can be added on release. Paragraph 9(6) and (7) amend sections 255A and C so that automatic release following recall does not apply. Paragraph 9 (9) and (10) amend sections 263 and 264(7) so that calculations for consecutive and concurrent sentences where other sentences are in the mix appropriately apply. Amendment to section 28 of the Offender Management Act 2007 in Part 2, paragraph 10 allows for the imposition of a polygraph licence condition.

267 Part 2 also makes several amendments to the Sentencing Code consequential to the introduction of the new serious terrorism sentence in England and Wales. Paragraph 11(2) and (3) of Part 2 amend section 15 so that if the case were tried summarily, it can be committed to the Crown Court for sentencing. Paragraph 11(3) amends section 59(2) of the Sentencing Code, which sets out the general duty of the court to follow any sentencing guideline to include reference to the serious terrorism sentence. This will require the court to impose it where the conditions are met, as a mandatory minimum sentence. Part 2, paragraph 11(4) amends section 61 so that, where a serious terrorism sentence is required, the court must consider the sentencing guidelines to set the appropriate custodial term in the same way it would when determining a sentence, when considering an appropriate custodial term above the mandatory minimum of 14 years. Paragraph 11(18) amends section 399 of the Sentencing Code to ensure reference to the serious terrorism sentence as a mandatory sentence. Paragraph 11(5) amends section 120(2)(a) which provides exceptions to the general power to fine offenders convicted on indictment so that a Court cannot impose a fine instead of a serious terrorism sentence. Paragraph 11(9) amends section 262(3) to remind the court of its obligation to impose a serious terrorism sentence for 18 to 20 year olds, where the court is required to impose a sentence of detention in a young offender institution for offenders of this age, and the relevant conditions for the sentence are met. Paragraph 11 also amends relevant sections of the Sentencing Code to add the serious terrorism sentence to the types of sentence which must be considered before applying an extended sentence of detention in a young offender institution, SOPC or extended sentence.

268 Part 3 amends the Sentencing Code to update references in light of the new offences attracting the SOPC in England and Wales.

269 Part 4 amends a series of Acts and statutory instruments to ensure the new special sentence of detention for terrorist offenders of particular concern for offenders aged under 18 can operate within existing legislative frameworks. Amendments include changes to the Magistrates Courts Act 1980 to allow for committal for sentence (in respect of the new sentence) where the offender is convicted following a summary trial of a terrorist offence; the Mental Health Act 1983 to allow for committal to the Crown Court unless a hospital order is more appropriate; the Crime and Disorder Act 1998 to allow for committal to the Crown Court and to require the provision of local justice services in relation to the new sentence; the Proceeds of Crime Act 2002 to reflect amendments to the committal powers in relation to the new sentence; the Criminal Justice and Court Services Act 2000 governing the imposition of electronic monitoring and drug testing; the Sexual Offences Act 2003 to ensure existing notification requirements apply to the new sentence; the Domestic Violence, Crime and Victims Act 2004 to ensure victims' rights in relation to licence conditions apply to the new sentence where a person is convicted of a sexual offence with a terrorist connection ; and consequential amendments to the Criminal Justice Act 2003 and the Sentencing Code to apply the necessary sentencing and release and recall provisions to the new special sentence of detention for terrorist offenders of particular concern aged under 18. Part 4 also makes amendments to the Rehabilitation of Offenders Act 1974 to align the periods of rehabilitation for those sentenced to the new special sentence of detention for terrorist offenders of particular concern aged under 18 with those specified for the sentence for grave crimes. Other amendments are made to ensure the provisions relating to child benefit and support allowance in the Children (Secure Accommodation) Regulations 1991 and Employment and Support Allowance Regulations 2008 apply to the new sentence; to ensure that children detained under the new special sentence for terrorism offenders of particular concern aged under 18 are not placed in secure accommodation under the Children (Secure Accommodation) (Wales) Regulations 2015, which is consistent with the approach taken in relation to detention with those sentenced to detention for grave crimes.

- 270 Part 4 also ensures that the new special sentence of detention for terrorist offenders of particular concern aged under 18 is available in the military service court for those aged under 18 in the same way as it is in a civilian court.
- 271 Part 5 makes consequential changes to legislation relating to sentencing to take account of the changes being made to sentencing in the service courts by Schedule 8 to the Act. Schedule 8 amends the Armed Forces Act 2006 to give service courts the same sentencing powers as civilian courts will have as a result of this Act. This is being done to maintain parity between civilian courts and service courts as the service courts can deal with criminal conduct (however serious) by a service person or person subject to service discipline and have much the same sentencing powers as the Crown Court.
- 272 This part ensures that where legislation on matters such as rehabilitation periods, post-release supervision, notification requirements already refers to sentences imposed by the service courts, it will refer where appropriate to sentences imposed under the new sentencing powers in this Act. It also makes similar changes to the main legislation on sentencing in the service and civilian courts, i.e. the Armed Forces Act 2006 and the Sentencing Act.
- 273 Part 6 makes consequential amendments to apply the TORER Act release provisions for specified terrorist offenders. It amends section 247A(2) of the 2003 Act, and inserts a new section 247A(7A), to enable the restriction on early release provisions in section 247A to apply to offenders who have been convicted of any offence that has been found to have a terrorist connection, including corresponding service offences. It inserts new subsection 247A(10A) which enables subsections (9) and (10) to instead be read in relation to commencement of this paragraph for the offenders who will be caught by the new additions. Part 6 also makes supplementary amendments to section 247A and provisions which allow it to function correctly and removes Part 2 from Schedule 19ZA of the 2003 Act (which has been replaced with the new section 247A(7A)). Paragraph 21 amends the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in light of changes to eligibility for discretionary release made in this Act.
- 274 Part 7 makes the equivalent consequential amendments to Scottish legislation. This includes necessary amendments to the Rehabilitation of Offenders Act 1974, expanding offences that can be found to have a terrorist connection, from those defined in Part 2 of Schedule 1A to the Prisoners and Criminal Proceedings (Scotland) Act 1993, to any non-terrorist offence that is found to have a terrorist connection per the definition in this Act, and provisions to allow section 1AB of the 1993 Act to function correctly (including removing some provision made in the TORER Act 2020 which is no longer necessary). Part 7 also makes consequential amendments to sections 6 and 7 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to ensure existing provisions on the detention, transfer and release of offenders will apply to children and young offenders made subject to the new terrorism sentences.
- 275 Within Part 7, new section 1B is inserted into the 1993 Act relating to the issue of “single terming”. Unlike in the rest of the UK, in Scotland, multiple sentences being served concurrently or consecutively are amalgamated into one sentence with one release date, referred to as single terming. In England and Wales, those serving concurrent sentences can only be released for one of these sentences when they are eligible to be released for all of them. For consecutive sentences, an individual can only be released when they have served the aggregate of their custodial periods for each of the sentences. New section 1B makes provision for sentence calculation for consecutive sentences where at least one sentence is imposed for a terrorism offence in Scotland, for current and future sentences. This ensures that it is clear when an offender should be released, and makes provision to aggregate multiple terrorism sentences whilst also preserving the operation of single terming in respect of non-terrorism sentences.

- 276 Part 7 also provides that within new section 205ZB, as set out in section 12, the minimum punishment part of a life sentence (including an Order for Lifelong restriction) will override existing requirements as set out under sections 2A and 2B of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to ensure the relevant cohort of offenders will be captured by the 14-year mandatory minimum provision.
- 277 The rest of the sections in this Part update other legislation with references to section 1AB and the Prisoners (Scotland) Act 1989 and 1995 Act to include reference to the serious terrorism sentence and terrorism sentence with fixed licence period for certain terrorist offenders. Part 7 also makes consequential amendments to legislation which includes the Sexual Offences Act 2003 and the Counter-Terrorism Act 2008, in their application to Scotland.
- 278 Parts 8, 9 and 10 make the equivalent consequential amendments to the Northern Irish legislation, including the Treatment of Offenders Act (Northern Ireland) 1968, Rehabilitation of Offenders (Northern Ireland) Order 1978, Mental Health (Northern Ireland) Order 1986, Criminal Justice (Northern Ireland) Order 1996, Sexual Offences Act 2003, 2008 Order, and the Counter-Terrorism Act 2008. Part 8 updates sentencing references to include references to the new serious terrorism sentence, Part 9 does likewise for the Sentence for Terrorist Offenders of Particular Concern, and Part 10 disapplies various existing release provisions in Northern Irish law which apply to prisoners who will be released under Article 20A and which would otherwise result in automatic early release. It also disapplies section 55 of the Justice Act (Northern Ireland) 2016 so that terrorist prisoners subject to the new release restrictions will not be released early and deported from the UK under the Early Removal Scheme. Part 9 also ensures that offenders who will be newly eligible for Parole Commissioner considered release through the provision of this Act in Northern Ireland are done so in accordance with the Parole Commissioners' Rules (Northern Ireland) 2009. Additionally, it inserts a new paragraph (3A) into Article 16 of the 2008 Order, which defines offences designated as having a terrorist connection, and a new paragraph (3B), defining relevant service offences as the same as in section 95 of the 2008 Act. This change mirrors that in paragraph 47(2) for Scotland and 43(2) for England and Wales.

Commencement

279 A number of provisions will come into force on the day after the day on which this Act is passed:

- a. section 3 and Schedule 3, which define the offences relevant for the provisions of this Act insofar as they relate to Northern Ireland, to the extent that they relate to section 26, which comes into effect at the same time;
- b. section 21, which adds further offences that will attract a SOPC in England and Wales, and Schedule 6 which defines them;
- c. section 22, which creates a new special custodial sentence with a fixed licence period for terrorist offenders aged under 18 in England and Wales;
- d. section 23, which creates a new terrorism sentence with a fixed licence period for terrorist offenders in Scotland, and Schedule 7, which defines the offences that will attract this sentence;
- e. section 24, which creates a new terrorism sentence with a fixed licence period for terrorist offenders in Northern Ireland;
- f. section 30, which removes automatic early release from custody for terrorist offenders in Northern Ireland, and will apply to both serving prisoners and those sentenced after the Act is passed;
- g. section 45, which removes the statutory deadline for the completion of the review of the Prevent programme;
- h. sections 47 to 49 (including this section) and section 51, which are general provisions essential to the effective functioning of the Act;
- i. a number of the consequential amendments contained in Schedule 13, and section 46 to the extent that it relates to those paragraphs.

280 A further set of provisions come into force at the end of the period of two months beginning with the day on which this Act comes into force:

- a. section 1, which makes provision to require the Court, in cases where it appears that any non-terrorism offence with a maximum penalty of over two years was committed in the course of an act of terrorism, or for the purposes of terrorism, to actively consider whether the offence was committed with a terrorist connection and should be aggravated as such. Schedule 1, which lists the offences the court need not consider whether they have a terrorist connection as they are terrorism offences;
- b. section 2, which defines a serious terrorism offence for the purposes of sentencing an offender to a serious terrorism sentence or an extended sentence, and Schedule 2, which inserts the list of offences which will attract this sentence into the Sentencing Code;
- c. sections 4 and 5, which create the serious terrorism sentence for England and Wales;
- d. section 6, which creates the serious terrorism sentence for Scotland, and Schedule 4, which sets out the offences that will attract this sentence;

- e. sections 7 to 10, which make a number of amendments relating to the sentencing of terrorism offenders, including the creation of a new serious terrorism sentence for Northern Ireland, reduction in custodial term for guilty pleas in England and Wales, and Scotland, and a reduction in custodial term for assisting the prosecution in England and Wales;
- f. section 11 (with exception of the subsections specified), which sets minimum terms for serious terrorism offenders receiving a life or indeterminate sentence in England and Wales.
- g. sections 12 to 14, which set minimum terms for serious terrorism offenders receiving a life or indeterminate sentence in Scotland or Northern Ireland;
- h. section 15 (with exception of the subsections specified), which sets additional offences attracting an extended sentence in England and Wales;
- i. section 16 (with exception of the subsections specified), which increases the maximum extension period for serious terrorism offenders under 18 in England and Wales;
- j. sections 17 and 18 (with exception of the subsections specified), which increases the maximum extension period for serious terrorism offenders under and over 21 in England and Wales;
- k. section 19, which sets out which sentences will now attract an extended sentence in Scotland, and Schedule 5 which lists these;
- l. section 20, which enables serious terrorism offences to attract extended sentences in Northern Ireland, and increases their extension period to a maximum of 10 years;
- m. section 26, which increases the maximum sentence available for certain terrorist offences;
- n. section 27, which removes the possibility of early release for dangerous terrorist prisoners sentenced to an extended sentence in England and Wales, and Schedule 9, which defines which offences are covered by this;
- o. section 28, which removes the possibility of early release for dangerous terrorist prisoners sentenced to an extended sentence in Scotland, and Schedule 10, which defines which offences are covered by this;
- p. section 29, which sets out further provision about the release of terrorist prisoners in Scotland, setting out that they must be subject to minimum licence periods;
- q. section 31, which removes the possibility of early release for terrorist prisoners sentenced to either a serious terrorism sentence or extended sentence in Northern Ireland
- r. section 32, which introduces polygraph examinations as a licence condition for terrorist offenders on licence in England and Wales;
- s. section 33 and Schedule 11, covering arrangements for the release of terrorist prisoners repatriated to the UK;
- t. sections 34 to 42, which amend arrangements associated with TPIMs and notification requirements;
- u. section 43 and Schedule 12, which provide police powers to apply for a serious crime prevention order in cases of terrorism;

- v. section 44, which requires a review of the operation of police powers in relation to the use of serious crime prevention orders;
- w. a number of the consequential amendments contained in Schedule 13.

281 The remaining provisions come into force by regulation.

Annex A – Territorial extent and application in the United Kingdom

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 1	In part	In part	In part	In part
Section 2	Yes	Yes	No	No
Section 3	No	No	No	Yes
Section 4	Yes	Yes	No	No
Section 5	Yes	Yes	No	No
Section 6	No	No	Yes	No
Section 7	No	No	No	Yes
Section 8	Yes	Yes	No	No
Section 9	No	No	Yes	No
Section 10	Yes	Yes	No	No
Section 11	Yes	Yes	No	No
Section 12	No	No	Yes	No
Section 13	No	No	No	Yes
Section 14	No	No	No	Yes
Section 15	Yes	Yes	No	No
Section 16	Yes	Yes	No	No
Section 17	Yes	Yes	No	No
Section 18	Yes	Yes	No	No
Section 19	No	No	Yes	No
Section 20	No	No	No	Yes
Section 21	Yes	Yes	No	No
Section 22	Yes	Yes	No	No
Section 23	No	No	Yes	No
Section 24	No	No	No	Yes
Section 25	Yes	Yes	Yes	Yes
Section 26	Yes	Yes	Yes	Yes
Section 27	Yes	Yes	No	No
Section 28	No	No	Yes	No
Section 29	No	No	Yes	No
Section 30	No	No	No	Yes
Section 31	No	No	No	Yes
Section 32	Yes	Yes	No	No

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 33	Yes	Yes	Yes	Yes
Section 34	Yes	Yes	Yes	Yes
Section 35	Yes	Yes	Yes	Yes
Section 36	Yes	Yes	Yes	Yes
Section 37	Yes	Yes	Yes	Yes
Section 38	Yes	Yes	Yes	Yes
Section 39	Yes	Yes	Yes	Yes
Section 40	Yes	Yes	Yes	Yes
Section 41	Yes	Yes	Yes	Yes
Section 42	Yes	Yes	Yes	Yes
Section 43	Yes	Yes	Yes	Yes
Section 44	Yes	Yes	Yes	Yes
Section 45	Yes	Yes	Yes	Yes
Section 46	Yes	Yes	Yes	Yes
Section 47	Yes	Yes	No	No
Section 48	Yes	Yes	Yes	Yes
Section 49	Yes	Yes	Yes	Yes
Section 50	Yes	Yes	Yes	Yes
Section 51	Yes	Yes	Yes	Yes
Schedule 1	Yes	Yes	No	No
Schedule 1: Part 2	No	No	Yes	Yes
Schedule 2	Yes	Yes	No	No
Schedule 3	No	No	No	Yes
Schedule 4	No	No	Yes	No
Schedule 5	No	No	Yes	No
Schedule 6	Yes	Yes	No	No
Schedule 7	No	No	Yes	No
Schedule 8: Part 1	Yes	Yes	Yes	Yes
Schedule 8: Part 2	Yes	Yes	Yes	Yes
Schedule 8: Part 3	Yes	Yes	Yes	Yes
Schedule 9	Yes	Yes	No	No
Schedule 10	No	No	Yes	No
Schedule 11	Yes	Yes	Yes	Yes
Schedule 12	Yes	Yes	Yes	Yes

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Schedule 13: Part 1	Yes	Yes	Yes	Yes
Schedule 13: Part 2	Yes	Yes	No	No
Schedule 13: Part 3	Yes	Yes	No	No
Schedule 13: Part 4	Yes	Yes	No	No
Schedule 13: Part 5	Yes	Yes	Yes	Yes
Schedule 13: Part 6	Yes	Yes	No	No
Schedule 14: Part 7	No	No	Yes	No
Schedule 13: Part 8	No	No	No	Yes
Schedule 13: Part 9	No	No	No	Yes
Schedule 13: Part 10	No	No	No	Yes

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021

Annex B – Hansard References

282 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Commons</i>		
Introduction	20 May 2020	No debate
Second Reading	9 June 2020	Vol. 677 Col. 200
Public Bill Committee	25 June 2020	First Sitting (Col. 1)
	25 June 2020	Second Sitting (Col. 29)
	30 June 2020	Third Sitting (Col. 65)
	30 June 2020	Fourth Sitting (Col. 89)
	2 July 2020	Fifth Sitting (Col. 127)
	2 July 2020	Sixth Sitting (Col. 149)
	7 July 2020	Seventh Sitting (Col. 171)
	7 July 2020	Eighth Sitting (Col. 207)
Report and Third Reading	21 July 2020	Vol. 678 Col. 2041
<i>House of Lords</i>		
First Reading	22 July 2020	Vol. 804
Second Reading	21 September 2020	Vol. 805 Col. 1612
Committee	26 January 2021	Vol. 809 Col. 1531
	9 February 2021	Vol. 810 Col. 218
Report	3 March 2021	Vol. 810 Col. 1157
Third Reading	11 March 2021	Vol. 810 Col. 1819
Commons Consideration of Lords Amendments	22 March 2021	Vol. 691 Col. 714
Lords Consideration of Commons Amendments	25 March 2021	Vol. 811 Col. 977
Royal Assent	29 April 2021	House of Commons Vol. 693 Col. 520
		House of Lords Vol. 811 Col. 2413

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021

Annex C – Progress of Bill Table

283 This Annex shows how each section and Schedule of the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 1	Clause 1	Clause 1	Clause 1	Clause 1	Clause 1
Section 2	Clause 2	Clause 2	Clause 2	Clause 2	Clause 2
Section 3	Clause 3	Clause 3	Clause 3	Clause 3	Clause 3
Section 4	Clause 4	Clause 4	Clause 4	Clause 4	Clause 4
Section 5	Clause 5	Clause 5	Clause 5	Clause 5	Clause 5
Section 6	Clause 6	Clause 6	Clause 6	Clause 6	Clause 6
Section 7	Clause 7	Clause 7	Clause 7	Clause 7	Clause 7
Section 8	Clause 8	Clause 8	Clause 8	Clause 8	Clause 8
Section 9	Clause 9	Clause 9	Clause 9	Clause 9	Clause 9
Section 10	Clause 10	Clause 10	Clause 10	Clause 10	Clause 10
Section 11	Clause 11	Clause 11	Clause 11	Clause 11	Clause 11
Section 12	Clause 12	Clause 12	Clause 12	Clause 12	Clause 12
Section 13	Clause 13	Clause 13	Clause 13	Clause 13	Clause 13
Section 14	Clause 14	Clause 14	Clause 14	Clause 14	Clause 14
Section 15	Clause 15	Clause 15	Clause 15	Clause 15	Clause 15
Section 16	Clause 16	Clause 16	Clause 16	Clause 16	Clause 16
Section 17	Clause 17	Clause 17	Clause 17	Clause 17	Clause 17
Section 18	Clause 18	Clause 18	Clause 18	Clause 18	Clause 18
Section 19	Clause 19	Clause 19	Clause 19	Clause 19	Clause 19
Section 20	Clause 20	Clause 20	Clause 20	Clause 20	Clause 20
Section 21	Clause 21	Clause 21	Clause 21	Clause 21	Clause 21
Section 22	Clause 22	Clause 22	Clause 22	Clause 22	Clause 22
Section 23	Clause 23	Clause 23	Clause 23	Clause 23	Clause 23
Section 24	Clause 24	Clause 24	Clause 24	Clause 24	Clause 24
Section 25	Clause 25	Clause 25	Clause 25	Clause 25	Clause 25
Section 26	Clause 26	Clause 26	Clause 26	Clause 26	Clause 26
Section 27	Clause 27	Clause 27	Clause 27	Clause 27	Clause 27
Section 28	Clause 28	Clause 28	Clause 28	Clause 28	Clause 28
Section 29	Clause 29	Clause 29	Clause 29	Clause 29	Clause 29
Section 30	Clause 30	Clause 30	Clause 30	Clause 30	Clause 30
Section 31	Clause 31	Clause 31	Clause 31	Clause 31	Clause 31
Section 32	Clause 32	Clause 32	Clause 32	Clause 32	Clause 32

These Explanatory Notes relate to the Counter-Terrorism and Sentencing Act 2021 (c. 11) which received Royal Assent on 29 April 2021

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 33	Clause 36	Clause 36	Clause 36	Clause 36	Clause 33
Section 34	Clause 37	Clause 37	Clause 37	Clause 37	Clause 34
Section 35	Clause 38	Clause 38	Clause 38	Clause 38	Clause 35
Section 36	Clause 39	Clause 39	Clause 39	Clause 39	Clause 36
Section 37	Clause 40	Clause 40	Clause 40	Clause 40	Clause 37
Section 38	Clause 41	Clause 41	Clause 41	Clause 41	Clause 38
Section 39	Clause 42	Clause 42	Clause 42	Clause 42	Clause 39
Section 40	Clause 43	Clause 43	Clause 43	Clause 43	Clause 40
Section 41					Clause 41
Section 42	Clause 44	Clause 44	Clause 44	Clause 44	Clause 42
Section 43	Clause 45	Clause 45	Clause 45	Clause 45	Clause 43
Section 44	Clause 46	Clause 46	Clause 46	Clause 46	Clause 44
Section 45	Clause 47	Clause 47	Clause 47	Clause 47	Clause 45
Section 46	Clause 48	Clause 48	Clause 48	Clause 48	Clause 46
Section 47	Clause 49	Clause 49	Clause 49	Clause 49	Clause 47
Section 48	Clause 50	Clause 50	Clause 50	Clause 50	Clause 48
Section 49	Clause 51	Clause 51	Clause 51	Clause 51	Clause 49
Section 50	Clause 52	Clause 52	Clause 52	Clause 52	Clause 50
Schedule 1	Clause 53	Clause 53	Clause 53	Clause 53	Clause 51
Schedule 2	Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1
Schedule 3	Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2
Schedule 4	Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3
Schedule 5	Schedule 4	Schedule 4	Schedule 4	Schedule 4	Schedule 4
Schedule 6	Schedule 5	Schedule 5	Schedule 5	Schedule 5	Schedule 5
Schedule 7	Schedule 6	Schedule 6	Schedule 6	Schedule 6	Schedule 6
Schedule 8	Schedule 7	Schedule 7	Schedule 7	Schedule 7	Schedule 7
Schedule 9	Schedule 8	Schedule 8	Schedule 8	Schedule 8	Schedule 8
Schedule 10	Schedule 9	Schedule 9	Schedule 9	Schedule 9	Schedule 9
Schedule 11	Schedule 10	Schedule 10	Schedule 10	Schedule 10	Schedule 10
Schedule 12	Schedule 11	Schedule 11	Schedule 11	Schedule 11	Schedule 11
Schedule 13	Schedule 12	Schedule 12	Schedule 12	Schedule 12	Schedule 12

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