



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 1

SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

Other custodial sentences for terrorist offenders

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

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

“Special custodial sentence for terrorist offenders

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

- (1) Subsections (3) to (5) apply where—
 - (a) a person aged under 18 is convicted of an offence listed in Part 1 of Schedule 13 (offences involving or connected with terrorism),
 - (b) the offence was committed on or after the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (c) the court does not impose either of the following for the offence (or for an offence associated with it)—
 - (i) a sentence of detention for life under section 250, or
 - (ii) an extended sentence of detention under section 254, and
 - (d) the court would, apart from this section, impose a custodial sentence (see, in particular, section 230(2)).

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 22. (See end of Document for details)

- (2) In determining for the purposes of subsection (1)(d) whether it would impose a custodial sentence, the court must disregard any restriction on its power to impose such a sentence by reference to the age of the offender.
- (3) The court must impose a sentence of detention under this section.
- (4) The term of the sentence must be equal to the aggregate of—
- (a) the appropriate custodial term, and
 - (b) a further period of 1 year for which the offender is to be subject to a licence,
- and must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.
- (5) For the purposes of subsection (4), the “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.
- (6) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.”
- (3) In section 265 (special sentence of detention in young offender institution for offenders of particular concern)—
- (a) in subsection (1)(b)—
 - (i) omit sub-paragraph (i) (including the final “and”);
 - (ii) in sub-paragraph (ii), after “aged” insert “ at least 18 but ”;
 - (b) after subsection (1) insert—

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

 - (a) the offender was aged under 18 when the offence was committed, and
 - (b) the offence—
 - (i) was committed before the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force, or
 - (ii) is listed in Part 2 of Schedule 13 (sexual offences).”
- (4) In section 278 (special sentence of imprisonment for offenders of particular concern) —
- (a) in subsection (1)(b), omit sub-paragraph (i) (including the final “and”);
 - (b) after subsection (1) insert—

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

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

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 22.