



# Counter-Terrorism and Sentencing Act 2021

## 2021 CHAPTER 11

### PART 1

#### SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

##### *Other custodial sentences for terrorist offenders*

#### **23 Terrorism sentence with fixed licence period: Scotland**

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

##### **“205ZC Terrorism sentence with fixed licence period**

- (1) This section applies where—
  - (a) a person is convicted on indictment of a terrorism offence on or after the day on which section 23 of the Counter-Terrorism and Sentencing Act 2021 comes into force, and
  - (b) the court does not impose one of the following for the offence—
    - (i) a sentence of imprisonment for life to which section 205ZB applies,
    - (ii) a sentence of imprisonment for life to which section 205ZB does not apply but which is imposed for a terrorism offence,
    - (iii) a sentence of detention for life to which section 205ZB applies,
    - (iv) a sentence of detention for life to which section 205ZB does not apply but which is imposed for a terrorism offence (or a sentence of detention without limit of time so imposed),

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 23. (See end of Document for details)*

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- (v) an order for lifelong restriction to which section 205ZB applies,
  - (vi) an order for lifelong restriction to which section 205ZB does not apply but which is imposed for a terrorism offence,
  - (vii) a serious terrorism sentence of imprisonment under section 205ZA(2),
  - (viii) a serious terrorism sentence of detention under section 205ZA(6), or
  - (ix) an extended sentence under section 210A.
- (2) But this section does not apply where—
- (a) the offender is under the age of 18 when convicted of the offence, and
  - (b) the offence was committed before the day on which section 23 of the Counter-Terrorism and Sentencing Act 2021 came into force.
- (3) If the court decides to impose a sentence of imprisonment and the offender is 21 years of age or over, the court must impose a sentence of imprisonment the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
  - (b) a further period of 1 year for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (4) If the offender is at least 16 years of age but under 21 (other than an offender falling within subsection (5)) and the court decides to impose a sentence of detention, the court must impose a sentence of detention in a young offenders institution the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
  - (b) a further period of 1 year for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (5) If the offender is a child and the court decides to impose a sentence of detention, the court must impose a sentence of detention in such place and on such conditions as may be directed under section 208 the term of which is equal to the aggregate of—
- (a) the appropriate custodial term, and
  - (b) a further period of 1 year for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (6) The “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.
- (7) The term of a sentence of imprisonment or, as the case may be, a sentence of detention, imposed under this section for an offence must not exceed the term that, at the time the offence was committed, was the maximum term permitted for the offence.
- (8) In this section, “terrorism offence” means—
- (a) an offence that is specified in Schedule 5ZB, or

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**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 23. (See end of Document for details)

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- (b) any other offence that has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008.”
- (3) After Schedule 5ZA (inserted by section 6) insert, as Schedule 5ZB, the Schedule set out in Schedule 7 to this Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 23.