



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 1

#### OFFENCES

##### *Encouragement etc. of terrorism*

#### **1 Encouragement of terrorism**

- (1) This section applies to a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Convention offences.
- (2) A person commits an offence if—
  - (a) he publishes a statement to which this section applies or causes another to publish such a statement; and
  - (b) at the time he publishes it or causes it to be published, he—
    - (i) intends members of the public to be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism or Convention offences; or
    - (ii) is reckless as to whether members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate such acts or offences.
- (3) For the purposes of this section, the statements that are likely to be understood by members of the public as indirectly encouraging the commission or preparation of acts of terrorism or Convention offences include every statement which—
  - (a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences; and
  - (b) is a statement from which those members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.

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- (4) For the purposes of this section the questions how a statement is likely to be understood and what members of the public could reasonably be expected to infer from it must be determined having regard both—
- (a) to the contents of the statement as a whole; and
  - (b) to the circumstances and manner of its publication.
- (5) It is irrelevant for the purposes of subsections (1) to (3)—
- (a) whether anything mentioned in those subsections relates to the commission, preparation or instigation of one or more particular acts of terrorism or Convention offences, of acts of terrorism or Convention offences of a particular description or of acts of terrorism or Convention offences generally; and
  - (b) whether any person is in fact encouraged or induced by the statement to commit, prepare or instigate any such act or offence.
- (6) In proceedings for an offence under this section against a person in whose case it is not proved that he intended the statement directly or indirectly to encourage or otherwise induce the commission, preparation or instigation of acts of terrorism or Convention offences, it is a defence for him to show—
- (a) that the statement neither expressed his views nor had his endorsement (whether by virtue of section 3 or otherwise); and
  - (b) that it was clear, in all the circumstances of the statement's publication, that it did not express his views and (apart from the possibility of his having been given and failed to comply with a notice under subsection (3) of that section) did not have his endorsement.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (8) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (7)(b) to 12 months is to be read as a reference to 6 months.

## **2 Dissemination of terrorist publications**

- (1) A person commits an offence if he engages in conduct falling within subsection (2) and, at the time he does so—
- (a) he intends an effect of his conduct to be a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism;
  - (b) he intends an effect of his conduct to be the provision of assistance in the commission or preparation of such acts; or
  - (c) he is reckless as to whether his conduct has an effect mentioned in paragraph (a) or (b).

- (2) For the purposes of this section a person engages in conduct falling within this subsection if he—
  - (a) distributes or circulates a terrorist publication;
  - (b) gives, sells or lends such a publication;
  - (c) offers such a publication for sale or loan;
  - (d) provides a service to others that enables them to obtain, read, listen to or look at such a publication, or to acquire it by means of a gift, sale or loan;
  - (e) transmits the contents of such a publication electronically; or
  - (f) has such a publication in his possession with a view to its becoming the subject of conduct falling within any of paragraphs (a) to (e).
- (3) For the purposes of this section a publication is a terrorist publication, in relation to conduct falling within subsection (2), if matter contained in it is likely—
  - (a) to be understood, by some or all of the persons to whom it is or may become available as a consequence of that conduct, as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism; or
  - (b) to be useful in the commission or preparation of such acts and to be understood, by some or all of those persons, as contained in the publication, or made available to them, wholly or mainly for the purpose of being so useful to them.
- (4) For the purposes of this section matter that is likely to be understood by a person as indirectly encouraging the commission or preparation of acts of terrorism includes any matter which—
  - (a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts; and
  - (b) is matter from which that person could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by him in existing circumstances.
- (5) For the purposes of this section the question whether a publication is a terrorist publication in relation to particular conduct must be determined—
  - (a) as at the time of that conduct; and
  - (b) having regard both to the contents of the publication as a whole and to the circumstances in which that conduct occurs.
- (6) In subsection (1) references to the effect of a person's conduct in relation to a terrorist publication include references to an effect of the publication on one or more persons to whom it is or may become available as a consequence of that conduct.
- (7) It is irrelevant for the purposes of this section whether anything mentioned in subsections (1) to (4) is in relation to the commission, preparation or instigation of one or more particular acts of terrorism, of acts of terrorism of a particular description or of acts of terrorism generally.
- (8) For the purposes of this section it is also irrelevant, in relation to matter contained in any article whether any person—
  - (a) is in fact encouraged or induced by that matter to commit, prepare or instigate acts of terrorism; or
  - (b) in fact makes use of it in the commission or preparation of such acts.

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- (9) In proceedings for an offence under this section against a person in respect of conduct to which subsection (10) applies, it is a defence for him to show—
- (a) that the matter by reference to which the publication in question was a terrorist publication neither expressed his views nor had his endorsement (whether by virtue of section 3 or otherwise); and
  - (b) that it was clear, in all the circumstances of the conduct, that that matter did not express his views and (apart from the possibility of his having been given and failed to comply with a notice under subsection (3) of that section) did not have his endorsement.
- (10) This subsection applies to the conduct of a person to the extent that—
- (a) the publication to which his conduct related contained matter by reference to which it was a terrorist publication by virtue of subsection (3)(a); and
  - (b) that person is not proved to have engaged in that conduct with the intention specified in subsection (1)(a).
- (11) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (12) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (11)(b) to 12 months is to be read as a reference to 6 months.
- (13) In this section—
- “lend” includes let on hire, and “loan” is to be construed accordingly;
- “publication” means an article or record of any description that contains any of the following, or any combination of them—
- (a) matter to be read;
  - (b) matter to be listened to;
  - (c) matter to be looked at or watched.

### **3 Application of ss. 1 and 2 to internet activity etc.**

- (1) This section applies for the purposes of sections 1 and 2 in relation to cases where—
- (a) a statement is published or caused to be published in the course of, or in connection with, the provision or use of a service provided electronically; or
  - (b) conduct falling within section 2(2) was in the course of, or in connection with, the provision or use of such a service.
- (2) The cases in which the statement, or the article or record to which the conduct relates, is to be regarded as having the endorsement of a person (“the relevant person”) at any time include a case in which—
- (a) a constable has given him a notice under subsection (3);

- (b) that time falls more than 2 working days after the day on which the notice was given; and
  - (c) the relevant person has failed, without reasonable excuse, to comply with the notice.
- (3) A notice under this subsection is a notice which—
  - (a) declares that, in the opinion of the constable giving it, the statement or the article or record is unlawfully terrorism-related;
  - (b) requires the relevant person to secure that the statement or the article or record, so far as it is so related, is not available to the public or is modified so as no longer to be so related;
  - (c) warns the relevant person that a failure to comply with the notice within 2 working days will result in the statement, or the article or record, being regarded as having his endorsement; and
  - (d) explains how, under subsection (4), he may become liable by virtue of the notice if the statement, or the article or record, becomes available to the public after he has complied with the notice.
- (4) Where—
  - (a) a notice under subsection (3) has been given to the relevant person in respect of a statement, or an article or record, and he has complied with it, but
  - (b) he subsequently publishes or causes to be published a statement which is, or is for all practical purposes, the same or to the same effect as the statement to which the notice related, or to matter contained in the article or record to which it related, (a “repeat statement”);

the requirements of subsection (2)(a) to (c) shall be regarded as satisfied in the case of the repeat statement in relation to the times of its subsequent publication by the relevant person.
- (5) In proceedings against a person for an offence under section 1 or 2 the requirements of subsection (2)(a) to (c) are not, in his case, to be regarded as satisfied in relation to any time by virtue of subsection (4) if he shows that he—
  - (a) has, before that time, taken every step he reasonably could to prevent a repeat statement from becoming available to the public and to ascertain whether it does; and
  - (b) was, at that time, a person to whom subsection (6) applied.
- (6) This subsection applies to a person at any time when he—
  - (a) is not aware of the publication of the repeat statement; or
  - (b) having become aware of its publication, has taken every step that he reasonably could to secure that it either ceased to be available to the public or was modified as mentioned in subsection (3)(b).
- (7) For the purposes of this section a statement or an article or record is unlawfully terrorism-related if it constitutes, or if matter contained in the article or record constitutes—
  - (a) something that is likely to be understood, by any one or more of the persons to whom it has or may become available, as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism or Convention offences; or
  - (b) information which—

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- (i) is likely to be useful to any one or more of those persons in the commission or preparation of such acts; and
  - (ii) is in a form or context in which it is likely to be understood by any one or more of those persons as being wholly or mainly for the purpose of being so useful.
- (8) The reference in subsection (7) to something that is likely to be understood as an indirect encouragement to the commission or preparation of acts of terrorism or Convention offences includes anything which is likely to be understood as—
  - (a) the glorification of the commission or preparation (whether in the past, in the future or generally) of such acts or such offences; and
  - (b) a suggestion that what is being glorified is being glorified as conduct that should be emulated in existing circumstances.
- (9) In this section “working day” means any day other than—
  - (a) a Saturday or a Sunday;
  - (b) Christmas Day or Good Friday; or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.

#### **4 Giving of notices under s. 3**

- (1) Except in a case to which any of subsections (2) to (4) applies, a notice under section 3(3) may be given to a person only—
  - (a) by delivering it to him in person; or
  - (b) by sending it to him, by means of a postal service providing for delivery to be recorded, at his last known address.
- (2) Such a notice may be given to a body corporate only—
  - (a) by delivering it to the secretary of that body in person; or
  - (b) by sending it to the appropriate person, by means of a postal service providing for delivery to be recorded, at the address of the registered or principal office of the body.
- (3) Such a notice may be given to a firm only—
  - (a) by delivering it to a partner of the firm in person;
  - (b) by so delivering it to a person having the control or management of the partnership business; or
  - (c) by sending it to the appropriate person, by means of a postal service providing for delivery to be recorded, at the address of the principal office of the partnership.
- (4) Such a notice may be given to an unincorporated body or association only—
  - (a) by delivering it to a member of its governing body in person; or
  - (b) by sending it to the appropriate person, by means of a postal service providing for delivery to be recorded, at the address of the principal office of the body or association.
- (5) In the case of—
  - (a) a company registered outside the United Kingdom,
  - (b) a firm carrying on business outside the United Kingdom, or

(c) an unincorporated body or association with offices outside the United Kingdom,

the references in this section to its principal office include references to its principal office within the United Kingdom (if any).

- (6) In this section “the appropriate person” means—
- (a) in the case of a body corporate, the body itself or its secretary;
  - (b) in the case of a firm, the firm itself or a partner of the firm or a person having the control or management of the partnership business; and
  - (c) in the case of an unincorporated body or association, the body or association itself or a member of its governing body.
- (7) For the purposes of section 3 the time at which a notice under subsection (3) of that section is to be regarded as given is—
- (a) where it is delivered to a person, the time at which it is so delivered; and
  - (b) where it is sent by a postal service providing for delivery to be recorded, the time recorded as the time of its delivery.
- (8) In this section “secretary”, in relation to a body corporate, means the secretary or other equivalent officer of the body.

#### *Preparation of terrorist acts and terrorist training*

### **5 Preparation of terrorist acts**

- (1) A person commits an offence if, with the intention of—
- (a) committing acts of terrorism, or
  - (b) assisting another to commit such acts,
- he engages in any conduct in preparation for giving effect to his intention.
- (2) It is irrelevant for the purposes of subsection (1) whether the intention and preparations relate to one or more particular acts of terrorism, acts of terrorism of a particular description or acts of terrorism generally.
- (3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

### **6 Training for terrorism**

- (1) A person commits an offence if—
- (a) he provides instruction or training in any of the skills mentioned in subsection (3); and
  - (b) at the time he provides the instruction or training, he knows that a person receiving it intends to use the skills in which he is being instructed or trained—
    - (i) for or in connection with the commission or preparation of acts of terrorism or Convention offences; or
    - (ii) for assisting the commission or preparation by others of such acts or offences.
- (2) A person commits an offence if—

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- (a) he receives instruction or training in any of the skills mentioned in subsection (3); and
  - (b) at the time of the instruction or training, he intends to use the skills in which he is being instructed or trained—
    - (i) for or in connection with the commission or preparation of acts of terrorism or Convention offences; or
    - (ii) for assisting the commission or preparation by others of such acts or offences.
- (3) The skills are—
- (a) the making, handling or use of a noxious substance, or of substances of a description of such substances;
  - (b) the use of any method or technique for doing anything else that is capable of being done for the purposes of terrorism, in connection with the commission or preparation of an act of terrorism or Convention offence or in connection with assisting the commission or preparation by another of such an act or offence; and
  - (c) the design or adaptation for the purposes of terrorism, or in connection with the commission or preparation of an act of terrorism or Convention offence, of any method or technique for doing anything.
- (4) It is irrelevant for the purposes of subsections (1) and (2)—
- (a) whether any instruction or training that is provided is provided to one or more particular persons or generally;
  - (b) whether the acts or offences in relation to which a person intends to use skills in which he is instructed or trained consist of one or more particular acts of terrorism or Convention offences, acts of terrorism or Convention offences of a particular description or acts of terrorism or Convention offences generally; and
  - (c) whether assistance that a person intends to provide to others is intended to be provided to one or more particular persons or to one or more persons whose identities are not yet known.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (6) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (5)(b) to 12 months is to be read as a reference to 6 months.
- (7) In this section—
- “noxious substance” means—
    - (a) a dangerous substance within the meaning of Part 7 of the Anti-terrorism, Crime and Security Act 2001 (c. 24); or



- (b) any other substance which is hazardous or noxious or which may be or become hazardous or noxious only in certain circumstances;  
“substance” includes any natural or artificial substance (whatever its origin or method of production and whether in solid or liquid form or in the form of a gas or vapour) and any mixture of substances.

## **7 Powers of forfeiture in respect of offences under s. 6**

- (1) A court before which a person is convicted of an offence under section 6 may order the forfeiture of anything the court considers to have been in the person’s possession for purposes connected with the offence.
- (2) Before making an order under subsection (1) in relation to anything the court must give an opportunity of being heard to any person (in addition to the convicted person) who claims to be the owner of that thing or otherwise to have an interest in it.
- (3) An order under subsection (1) may not be made so as to come into force at any time before there is no further possibility (disregarding any power to grant permission for the bringing of an appeal out of time) of the order’s being varied or set aside on appeal.
- (4) Where a court makes an order under subsection (1), it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture.
- (5) That provision may include, in particular, provision relating to the retention, handling, destruction or other disposal of what is forfeited.
- (6) Provision made by virtue of this section may be varied at any time by the court that made it.

## **8 Attendance at a place used for terrorist training**

- (1) A person commits an offence if—
  - (a) he attends at any place, whether in the United Kingdom or elsewhere;
  - (b) while he is at that place, instruction or training of the type mentioned in section 6(1) of this Act or section 54(1) of the Terrorism Act 2000 (c. 11) (weapons training) is provided there;
  - (c) that instruction or training is provided there wholly or partly for purposes connected with the commission or preparation of acts of terrorism or Convention offences; and
  - (d) the requirements of subsection (2) are satisfied in relation to that person.
- (2) The requirements of this subsection are satisfied in relation to a person if—
  - (a) he knows or believes that instruction or training is being provided there wholly or partly for purposes connected with the commission or preparation of acts of terrorism or Convention offences; or
  - (b) a person attending at that place throughout the period of that person’s attendance could not reasonably have failed to understand that instruction or training was being provided there wholly or partly for such purposes.
- (3) It is immaterial for the purposes of this section—
  - (a) whether the person concerned receives the instruction or training himself; and
  - (b) whether the instruction or training is provided for purposes connected with one or more particular acts of terrorism or Convention offences, acts of

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terrorism or Convention offences of a particular description or acts of terrorism or Convention offences generally.

- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (5) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (4)(b) to 12 months is to be read as a reference to 6 months.
- (6) References in this section to instruction or training being provided include references to its being made available.

*Offences involving radioactive devices and materials and nuclear facilities and sites*

## **9 Making and possession of devices or materials**

- (1) A person commits an offence if—
- (a) he makes or has in his possession a radioactive device, or
  - (b) he has in his possession radioactive material,
- with the intention of using the device or material in the course of or in connection with the commission or preparation of an act of terrorism or for the purposes of terrorism, or of making it available to be so used.
- (2) It is irrelevant for the purposes of subsection (1) whether the act of terrorism to which an intention relates is a particular act of terrorism, an act of terrorism of a particular description or an act of terrorism generally.
- (3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (4) In this section—
- “radioactive device” means—
- (a) a nuclear weapon or other nuclear explosive device;
  - (b) a radioactive material dispersal device;
  - (c) a radiation-emitting device;
- “radioactive material” means nuclear material or any other radioactive substance which—
- (a) contains nuclides that undergo spontaneous disintegration in a process accompanied by the emission of one or more types of ionising radiation, such as alpha radiation, beta radiation, neutron particles or gamma rays; and
  - (b) is capable, owing to its radiological or fissile properties, of—
    - (i) causing serious bodily injury to a person;
    - (ii) causing serious damage to property;

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- (iii) endangering a person's life; or
- (iv) creating a serious risk to the health or safety of the public.

(5) In subsection (4)—

“device” includes any of the following, whether or not fixed to land, namely, machinery, equipment, appliances, tanks, containers, pipes and conduits;

“nuclear material” has the same meaning as in the Nuclear Material (Offences) Act 1983 (c. 18) (see section 6 of that Act).

## **10 Misuse of devices or material and misuse and damage of facilities**

(1) A person commits an offence if he uses—

- (a) a radioactive device, or
- (b) radioactive material,

in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism.

(2) A person commits an offence if, in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism, he uses or damages a nuclear facility in a manner which—

- (a) causes a release of radioactive material; or
- (b) creates or increases a risk that such material will be released.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

(4) In this section—

“nuclear facility” means—

- (a) a nuclear reactor, including a reactor installed in or on any transportation device for use as an energy source in order to propel it or for any other purpose; or
- (b) a plant or conveyance being used for the production, storage, processing or transport of radioactive material;

“radioactive device” and “radioactive material” have the same meanings as in section 9.

(5) In subsection (4)—

“nuclear reactor” has the same meaning as in the Nuclear Installations Act 1965 (c. 57) (see section 26 of that Act);

“transportation device” means any vehicle or any space object (within the meaning of the Outer Space Act 1986 (c. 38)).

## **11 Terrorist threats relating to devices, materials or facilities**

(1) A person commits an offence if, in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism—

- (a) he makes a demand—
  - (i) for the supply to himself or to another of a radioactive device or of radioactive material;
  - (ii) for a nuclear facility to be made available to himself or to another; or

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- (iii) for access to such a facility to be given to himself or to another;
  - (b) he supports the demand with a threat that he or another will take action if the demand is not met; and
  - (c) the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume that there is real risk that the threat will be carried out if the demand is not met.
- (2) A person also commits an offence if—
- (a) he makes a threat falling within subsection (3) in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism; and
  - (b) the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume that there is real risk that the threat will be carried out, or would be carried out if demands made in association with the threat are not met.
- (3) A threat falls within this subsection if it is—
- (a) a threat to use radioactive material;
  - (b) a threat to use a radioactive device; or
  - (c) a threat to use or damage a nuclear facility in a manner that releases radioactive material or creates or increases a risk that such material will be released.
- (4) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (5) In this section—
- “nuclear facility” has the same meaning as in section 10;
  - “radioactive device” and “radioactive material” have the same meanings as in section 9.

## **12 Trespassing etc. on nuclear sites**

- (1) The Serious Organised Crime and Police Act 2005 (c. 15) is amended as follows.
- (2) In sections 128(1), (4) and (7) and 129(1), (4) and (6) (trespassing etc. on a designated site in England and Wales or Northern Ireland or in Scotland), for “designated”, wherever occurring, substitute “protected”.
- (3) After section 128(1) (sites in England and Wales and Northern Ireland) insert—
- “(1A) In this section ‘protected site’ means—
    - (a) a nuclear site; or
    - (b) a designated site.
  - (1B) In this section ‘nuclear site’ means—
    - (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and
    - (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.
  - (1C) For this purpose—

- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.”

(4) After section 129(1) (sites in Scotland) insert—

“(1A) In this section ‘protected Scottish site’ means—

- (a) a nuclear site in Scotland; or
- (b) a designated Scottish site.

(1B) In this section ‘nuclear site’ means—

- (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and
- (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.

(1C) For this purpose—

- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.”

#### *Increases of penalties*

### **13 Maximum penalty for possessing for terrorist purposes**

- (1) In section 57(4)(a) of the Terrorism Act 2000 (c. 11) (10 years maximum imprisonment for possession for terrorist purposes), for “10 years” substitute “15 years”.
- (2) Subsection (1) does not apply to offences committed before the commencement of this section.

### **14 Maximum penalty for certain offences relating to nuclear material**

- (1) In section 2 of the Nuclear Material (Offences) Act 1983 (c. 18) (offences involving preparatory acts and threats), for subsection (5) substitute—
  - “(5) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.”
- (2) Subsection (1) does not apply to offences committed before the commencement of this section.

**15 Maximum penalty for contravening notice relating to encrypted information**

- (1) In section 53 of the Regulation of Investigatory Powers Act 2000 (c. 23) (offence of contravening disclosure requirement)—
- (a) in paragraph (a) of subsection (5), for “two years” substitute “the appropriate maximum term”; and
  - (b) after that subsection insert the subsections set out in subsection (2).
- (2) The inserted subsections are—
- “(5A) In subsection (5) ‘the appropriate maximum term’ means—
- (a) in a national security case, five years; and
  - (b) in any other case, two years.
- (5B) In subsection (5A) ‘a national security case’ means a case in which the grounds specified in the notice to which the offence relates as the grounds for imposing a disclosure requirement were or included a belief that the imposition of the requirement was necessary in the interests of national security.”
- (3) This section does not apply to offences committed before the commencement of this section.

*Incidental provisions about offences***16 Preparatory hearings in terrorism cases**

- (1) Section 29 of the Criminal Procedure and Investigations Act 1996 (c. 25) (power to order preparatory hearing) is amended as follows.
- (2) Before subsection (2) insert—
- “(1B) An order that a preparatory hearing shall be held must be made by a judge of the Crown Court in every case which (whether or not it falls within subsection (1) or (1A)) is a case in which at least one of the offences charged by the indictment against at least one of the persons charged is a terrorism offence.
- (1C) An order that a preparatory hearing shall be held must also be made by a judge of the Crown court in every case which (whether or not it falls within subsection (1) or (1A)) is a case in which—
- (a) at least one of the offences charged by the indictment against at least one of the persons charged is an offence carrying a maximum of at least 10 years' imprisonment; and
  - (b) it appears to the judge that evidence on the indictment reveals that conduct in respect of which that offence is charged had a terrorist connection.”

(3) For subsection (3) (no order in serious and complex fraud cases) substitute—

“(3) In a case in which it appears to a judge of the Crown Court that evidence on an indictment reveals a case of fraud of such seriousness or complexity as is mentioned in section 7 of the Criminal Justice Act 1987 (preparatory hearings in cases of serious or complex fraud)—

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- (a) the judge may make an order for a preparatory hearing under this section only if he is required to do so by subsection (1B) or (1C);
  - (b) before making an order in pursuance of either of those subsections, he must determine whether to make an order for a preparatory hearing under that section; and
  - (c) he is not required by either of those subsections to make an order for a preparatory hearing under this section if he determines that an order should be made for a preparatory hearing under that section;and, in a case in which an order is made for a preparatory hearing under that section, requirements imposed by those subsections apply only if that order ceases to have effect.”
- (4) In subsection (4) (orders to be capable of being made on application or on the judge’s own motion), for the words before paragraph (a) substitute—
  - “(4) An order that a preparatory hearing shall be held may be made—”
- (5) After sub-paragraph (5) insert—
  - “(6) In this section ‘terrorism offence’ means—
    - (a) an offence under section 11 or 12 of the Terrorism Act 2000 (c. 11) (offences relating to proscribed organisations);
    - (b) an offence under any of sections 15 to 18 of that Act (offences relating to terrorist property);
    - (c) an offence under section 38B of that Act (failure to disclose information about acts of terrorism);
    - (d) an offence under section 54 of that Act (weapons training);
    - (e) an offence under any of sections 56 to 59 of that Act (directing terrorism, possessing things and collecting information for the purposes of terrorism and inciting terrorism outside the United Kingdom);
    - (f) an offence in respect of which there is jurisdiction by virtue of section 62 of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc.);
    - (g) an offence under Part 1 of the Terrorism Act 2006 (miscellaneous terrorist related offences);
    - (h) conspiring or attempting to commit a terrorism offence;
    - (i) incitement to commit a terrorism offence.
- (7) For the purposes of this section an offence carries a maximum of at least 10 years’ imprisonment if—
  - (a) it is punishable, on conviction on indictment, with imprisonment; and
  - (b) the maximum term of imprisonment that may be imposed on conviction on indictment of that offence is 10 years or more or is imprisonment for life.
- (8) For the purposes of this section conduct has a terrorist connection if it is or takes place in the course of an act of terrorism or is for the purposes of terrorism.
- (9) In subsection (8) ‘terrorism’ has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).”

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*Status: This is the original version (as it was originally enacted).*

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## 17 Commission of offences abroad

- (1) If—
- (a) a person does anything outside the United Kingdom, and
  - (b) his action, if done in a part of the United Kingdom, would constitute an offence falling within subsection (2),
- he shall be guilty in that part of the United Kingdom of the offence.
- (2) The offences falling within this subsection are—
- (a) an offence under section 1 or 6 of this Act so far as it is committed in relation to any statement, instruction or training in relation to which that section has effect by reason of its relevance to the commission, preparation or instigation of one or more Convention offences;
  - (b) an offence under any of sections 8 to 11 of this Act;
  - (c) an offence under section 11(1) of the Terrorism Act 2000 (c. 11) (membership of proscribed organisations);
  - (d) an offence under section 54 of that Act (weapons training);
  - (e) conspiracy to commit an offence falling within this subsection;
  - (f) inciting a person to commit such an offence;
  - (g) attempting to commit such an offence;
  - (h) aiding, abetting, counselling or procuring the commission of such an offence.
- (3) Subsection (1) applies irrespective of whether the person is a British citizen or, in the case of a company, a company incorporated in a part of the United Kingdom.
- (4) In the case of an offence falling within subsection (2) which is committed wholly or partly outside the United Kingdom—
- (a) proceedings for the offence may be taken at any place in the United Kingdom; and
  - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (5) In section 3(1)(a) and (b) of the Explosive Substances Act 1883 (c. 3) (offences committed in preparation for use of explosives with intent to endanger life or property in the United Kingdom or the Republic of Ireland), in each place, for “the Republic of Ireland” substitute “elsewhere”.
- (6) Subsection (5) does not extend to Scotland except in relation to—
- (a) the doing of an act as an act of terrorism or for the purposes of terrorism; or
  - (b) the possession or control of a substance for the purposes of terrorism.

## 18 Liability of company directors etc.

- (1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent or connivance of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person who was purporting to act in any such capacity,
- he (as well as the body corporate) is guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Part—
- (a) is committed by a Scottish firm, and



- (b) is proved to have been committed with the consent or connivance of a partner of the firm,  
he (as well as the firm) is guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) In this section “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

## **19 Consents to prosecutions**

- (1) Proceedings for an offence under this Part—
  - (a) may be instituted in England and Wales only with the consent of the Director of Public Prosecutions; and
  - (b) may be instituted in Northern Ireland only with the consent of the Director of Public Prosecutions for Northern Ireland.
- (2) But if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence under this Part has been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom, his consent for the purposes of this section may be given only with the permission—
  - (a) in the case of the Director of Public Prosecutions, of the Attorney General; and
  - (b) in the case of the Director of Public Prosecutions for Northern Ireland, of the Advocate General for Northern Ireland.
- (3) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), the reference in subsection (2)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

### *Interpretation of Part 1*

## **20 Interpretation of Part 1**

- (1) Expressions used in this Part and in the Terrorism Act 2000 (c. 11) have the same meanings in this Part as in that Act.
- (2) In this Part—
  - “act of terrorism” includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (see section 1(5) of that Act);
  - “article” includes anything for storing data;
  - “Convention offence” means an offence listed in Schedule 1 or an equivalent offence under the law of a country or territory outside the United Kingdom;
  - “glorification” includes any form of praise or celebration, and cognate expressions are to be construed accordingly;
  - “public” is to be construed in accordance with subsection (3);
  - “publish” and cognate expressions are to be construed in accordance with subsection (4);

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“record” means a record so far as not comprised in an article, including a temporary record created electronically and existing solely in the course of, and for the purposes of, the transmission of the whole or a part of its contents;

“statement” is to be construed in accordance with subsection (6).

- (3) In this Part references to the public—
- (a) are references to the public of any part of the United Kingdom or of a country or territory outside the United Kingdom, or any section of the public; and
  - (b) except in section 9(4), also include references to a meeting or other group of persons which is open to the public (whether unconditionally or on the making of a payment or the satisfaction of other conditions).
- (4) In this Part references to a person’s publishing a statement are references to—
- (a) his publishing it in any manner to the public;
  - (b) his providing electronically any service by means of which the public have access to the statement; or
  - (c) his using a service provided to him electronically by another so as to enable or to facilitate access by the public to the statement;
- but this subsection does not apply to the references to a publication in section 2.
- (5) In this Part references to providing a service include references to making a facility available; and references to a service provided to a person are to be construed accordingly.
- (6) In this Part references to a statement are references to a communication of any description, including a communication without words consisting of sounds or images or both.
- (7) In this Part references to conduct that should be emulated in existing circumstances include references to conduct that is illustrative of a type of conduct that should be so emulated.
- (8) In this Part references to what is contained in an article or record include references—
- (a) to anything that is embodied or stored in or on it; and
  - (b) to anything that may be reproduced from it using apparatus designed or adapted for the purpose.
- (9) The Secretary of State may by order made by statutory instrument—
- (a) modify Schedule 1 so as to add an offence to the offences listed in that Schedule;
  - (b) modify that Schedule so as to remove an offence from the offences so listed;
  - (c) make supplemental, incidental, consequential or transitional provision in connection with the addition or removal of an offence.
- (10) An order under subsection (9) may add an offence in or as regards Scotland to the offences listed in Schedule 1 to the extent only that a provision creating the offence would be outside the legislative competence of the Scottish Parliament.
- (11) The Secretary of State must not make an order containing (with or without other provision) any provision authorised by subsection (9) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.