



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 3

PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

Sentencing

[^{F1}30 Sentences for offences with a terrorist connection: ^{F2}... [^{F3}... Northern Ireland]

- (1) This section applies where a court [^{F4}in Northern Ireland] is considering for the purposes of sentence the seriousness of an offence [^{F5}specified in Schedule 2 (offences where terrorist connection to be considered)][^{F5}within subsection (5A) or (5B)].
- (2) If having regard to the material before it for the purposes of sentencing it appears to the court that the offence has or may have a terrorist connection, the court must determine whether that is the case.
- (3) For that purpose the court may hear evidence, and must take account of any representations made by the prosecution and the defence, as in the case of any other matter relevant for the purposes of sentence.
- (4) If the court determines that the offence has a terrorist connection, the court—
 - (a) must treat that fact as an aggravating factor, and
 - (b) must state in open court that the offence was so aggravated.
- (5) In this section “sentence”, in relation to an offence, includes any order made by a court when dealing with a person in respect of the offence.

[^{F6}(5A) An offence is within this subsection if it—

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

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Sentencing. (See end of Document for details)

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

(a) was committed—

- (i) on or after 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which extended this section to Northern Ireland, came into force), but
- (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and

(b) is specified in Schedule 2.

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

[^{F7}(6) This section has effect in relation only to offences committed on or after the day it comes into force.]]

Textual Amendments

- F1** S. 30 repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F2** Words in s. 30 heading omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 273\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F3** Words in s. 30 heading inserted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), [ss. 8\(2\)\(a\)](#), 27(3) (with s. 25(2))
- F4** Words in s. 30(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 273\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F5** Words in s. 30(1) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 1\(5\)\(a\)](#), 50(2)(a)(3)(a)
- F6** S. 30(5A)-(5C) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 1\(5\)\(b\)](#), 50(2)(a)(3)(a)
- F7** S. 30(6) omitted (29.6.2021 for specified purposes) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 1\(5\)\(c\)](#), 50(2)(a)(3)(a)

Modifications etc. (not altering text)

- C1** S. 30 modified (1.12.2020 immediately before the consolidation date (see [2020 c. 9](#), [ss. 3](#), 5(2)(3) and [2020 c. 17](#), [ss. 2](#), 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), 5(2)(3); [S.I. 2012/1236](#), reg. 2

Commencement Information

- I1** S. 30 in force at 18.6.2009 by [S.I. 2009/1256](#), [art. 2\(b\)](#)

31 Sentences for offences with a terrorist connection: Scotland

(1) This section applies where in Scotland, in relation to an offence [^{F8}specified in Schedule 2 (offences where terrorist connection to be considered)] [^{F8}within subsection (4A) or (4B)]—

- (a) it is libelled in an indictment, and
- (b) proved,

that the offence has been aggravated by reason of having a terrorist connection.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Sentencing. (See end of Document for details)

- (2) Where this section applies, the court must take the aggravation into account in determining the appropriate sentence.
- (3) Where the sentence imposed by the court in respect of the offence is different from that which the court would have imposed if the offence had not been aggravated by reason of having a terrorist connection, the court must state the extent of, and the reasons for, the difference.
- (4) For the purposes of this section, evidence from a single source is sufficient to prove that an offence has been aggravated by reason of having a terrorist connection.
- [^{F9}(4A) An offence is within this subsection if it—
- (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and
 - (c) is not specified in Schedule 1A.
- (4B) An offence is within this subsection if it—
- (a) was committed—
 - (i) on or after the relevant date, but
 - (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
 - (b) is specified in Schedule 2.
- (4C) The relevant date for the purposes of subsection (4B)(a)(i) is—
- (a) 18 June 2009 (being the date on which this section came into force), in relation to any offence that is not mentioned in paragraph (b);
 - (b) 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which amended Schedule 2, came into force) in relation to any of the following offences under the law of Scotland—
 - (i) assault by explosive device;
 - (ii) assault to severe injury;
 - (iii) assault and poisoning;
 - (iv) poisoning.
- (4D) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (4A) to (4C) to have been committed on the last of those days.]
- [^{F10}(5) This section has effect in relation only to offences committed on or after the day it comes into force.]

Textual Amendments

- F8** Words in s. 31(1) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 1\(6\)\(a\)](#), [50\(2\)\(a\)\(3\)\(a\)](#)
- F9** S. 31(4A)-(4D) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 1\(6\)\(b\)](#), [50\(2\)\(a\)\(3\)\(a\)](#)
- F10** S. 31(5) omitted (29.6.2021 for specified purposes) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 1\(6\)\(c\)](#), [50\(2\)\(a\)\(3\)\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Sentencing. (See end of Document for details)

Commencement Information

I2 S. 31 in force at 18.6.2009 by [S.I. 2009/1256](#), [art. 2\(b\)](#)

^{F11}32 Sentences for offences with a terrorist connection: armed forces

.....

Textual Amendments

F11 S. 32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F12}33 Power to amend list of offences where terrorist connection to be considered

.....

Textual Amendments

F12 [S. 33](#) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 2\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross
Heading: Sentencing.