



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 3

#### PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

##### *Sentencing*

#### **31 Sentences for offences with a terrorist connection: Scotland**

- (1) This section applies where in Scotland, in relation to an offence [<sup>F1</sup>specified in Schedule 2 (offences where terrorist connection to be considered)] [<sup>F1</sup>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.
- (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.

[<sup>F2</sup>(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.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 31. (See end of Document for details)*

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- (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.]
- [<sup>F3</sup>(5) This section has effect in relation only to offences committed on or after the day it comes into force.]

#### Textual Amendments

- F1** 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\(2\)\(a\)\(3\)\(a\)](#)
- F2** 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\(2\)\(a\)\(3\)\(a\)](#)
- F3** 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\(2\)\(a\)\(3\)\(a\)](#)

#### Commencement Information

- I1** S. 31 in force at 18.6.2009 by [S.I. 2009/1256](#), [art. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 31.