Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 2

TERRORIST ACTS AND THREATS: JURISDICTION

52 Jurisdiction for terrorist offences

After section 63 of the Terrorism Act 2000 (c. 11) there is inserted—

"Extra-territorial jurisdiction for other terrorist offences etc.

63A Other terrorist offences under this Act: jurisdiction

(1) If—

(a) a United Kingdom national or a United Kingdom resident does anything outside the United Kingdom, and

(b) his action, if done in any part of the United Kingdom, would have constituted an offence under section 54 or any of sections 56 to 61,

he shall be guilty in that part of the United Kingdom of the offence.

(2) For the purposes of this section and sections 63B and 63C a "United Kingdom national" means an individual who is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

(b) a person who under the British Nationality Act 1981 is a British subject, or

(c) a British protected person within the meaning of that Act.

(3) For the purposes of this section and sections 63B and 63C a "United Kingdom resident" means an individual who is resident in the United Kingdom.

63B Terrorist attacks abroad by UK nationals or residents: jurisdiction

(1) If—

(a) a United Kingdom national or a United Kingdom resident does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism, and

(b) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

(a) murder, manslaughter, culpable homicide, rape, assault causing injury, assault to injury, kidnapping, abduction or false imprisonment,

(b) an offence under section 4, 16, 18, 20, 21, 22, 23, 24, 28, 29, 30 or 64 of the Offences against the Person Act 1861,

(c) an offence under any of sections 1 to 5 of the Forgery and Counterfeiting Act 1981,

(d) the uttering of a forged document or an offence under section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995,

(e) an offence under section 1 or 2 of the Criminal Damage Act 1971,

(f) an offence under Article 3 or 4 of the Criminal Damage (Northern Ireland) Order 1977,

(g) malicious mischief,

(h) wilful fire-raising.

63C Terrorist attacks abroad on UK nationals, residents and diplomatic staff etc: jurisdiction

(1) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,

(b) his action is done to, or in relation to, a United Kingdom national, a United Kingdom resident or a protected person, and

(c) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

(a) murder, manslaughter, culpable homicide, rape, assault causing injury, assault to injury, kidnapping, abduction or false imprisonment,

(b) an offence under section 4, 16, 18, 20, 21, 22, 23, 24, 28, 29, 30 or 64 of the Offences against the Person Act 1861,

(c) an offence under section 1, 2, 3, 4 or 5(1) or (3) of the Forgery and Counterfeiting Act 1981,

(d) the uttering of a forged document or an offence under section 46A(1) of the Criminal Law (Consolidation) (Scotland) Act 1995.

(3) For the purposes of this section and section 63D a person is a protected person if—

(a) he is a member of a United Kingdom diplomatic mission within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations signed in 1961 (as that Article has effect in the United Kingdom by virtue of section 2 of and Schedule 1 to the Diplomatic Privileges Act 1964),

(b) he is a member of a United Kingdom consular post within the meaning of Article 1(g) of the Vienna Convention on Consular Relations signed in 1963 (as that Article has effect in the United Kingdom by virtue of section 1 of and Schedule 1 to the Consular Relations Act 1968),

(c) he carries out any functions for the purposes of the European Agency for the Evaluation of Medicinal Products, or

(d) he carries out any functions for the purposes of a body specified in an order made by the Secretary of State.

(4) The Secretary of State may specify a body under subsection (3)(d) only if—

(a) it is established by or under the Treaty establishing the European Community or the Treaty on European Union, and

(b) the principal place in which its functions are carried out is a place in the United Kingdom.

(5) If in any proceedings a question arises as to whether a person is or was a protected person, a certificate—

(a) issued by or under the authority of the Secretary of State, and

(b) stating any fact relating to the question,

is to be conclusive evidence of that fact.

63D Terrorist attacks or threats abroad in connection with UK diplomatic premises etc: jurisdiction

(1) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,

(b) his action is done in connection with an attack on relevant premises or on a vehicle ordinarily used by a protected person,

(c) the attack is made when a protected person is on or in the premises or vehicle, and

(d) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

(a) an offence under section 1 of the Criminal Damage Act 1971,

(b) an offence under Article 3 of the Criminal Damage (Northern Ireland) Order 1977,

(c) malicious mischief,

(d) wilful fire-raising.

(3) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,

(b) his action consists of a threat of an attack on relevant premises or on a vehicle ordinarily used by a protected person,

(c) the attack is threatened to be made when a protected person is, or is likely to be, on or in the premises or vehicle, and

(d) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (4),

he shall be guilty in that part of the United Kingdom of the offence.

(4) These are the offences—

(a) an offence under section 2 of the Criminal Damage Act 1971,

(b) an offence under Article 4 of the Criminal Damage (Northern Ireland) Order 1977,

(c) breach of the peace (in relation to Scotland only).

(5) "Relevant premises" means—

(a) premises at which a protected person resides or is staying, or

(b) premises which a protected person uses for the purpose of carrying out his functions as such a person.

63E Sections 63B to 63D: supplementary

(1) Proceedings for an offence which (disregarding the Acts listed in subsection (2)) would not be an offence apart from section 63B, 63C or 63D are not to be started—

(a) in England and Wales, except by or with the consent of the Attorney General,

(b) in Northern Ireland, except by or with the consent of the Advocate General for Northern Ireland.

(2) These are the Acts—

(a) the Internationally Protected Persons Act 1978,

(b) the Suppression of Terrorism Act 1978,

(c) the Nuclear Material (Offences) Act 1983,

(d) the United Nations Personnel Act 1997.

(3) For the purposes of sections 63C and 63D it is immaterial whether a person knows that another person is a United Kingdom national, a United Kingdom resident or a protected person.

(4) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (1)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland."

53 Jurisdiction for offence under section 113 of the Anti-terrorism, Crime and Security Act 2001

After section 113 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (use of noxious substances or things to cause harm and intimidate) there is inserted—

"**113A Application of section 113**

(1) Section 113 applies to conduct done—
   (a) in the United Kingdom; or
   (b) outside the United Kingdom which satisfies the following two conditions.

(2) The first condition is that the conduct is done for the purpose of advancing a political, religious or ideological cause.

(3) The second condition is that the conduct is—
   (a) by a United Kingdom national or a United Kingdom resident;
   (b) by any person done to, or in relation to, a United Kingdom national, a United Kingdom resident or a protected person; or
   (c) by any person done in circumstances which fall within section 63D(1)(b) and (c) or (3)(b) and (c) of the Terrorism Act 2000.

(4) The following expressions have the same meaning as they have for the purposes of sections 63C and 63D of that Act—
   (a) "United Kingdom national";
   (b) "United Kingdom resident";
   (c) "protected person".

(5) For the purposes of this section it is immaterial whether a person knows that another is a United Kingdom national, a United Kingdom resident or a protected person.

113B Consent to prosecution for offence under section 113

(1) Proceedings for an offence committed under section 113 outside the United Kingdom are not to be started—
   (a) in England and Wales, except by or with the consent of the Attorney General;
   (b) in Northern Ireland, except by or with the consent of the Advocate General for Northern Ireland.

(2) Proceedings for an offence committed under section 113 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any part of the United Kingdom.

(3) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (1)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland."