



Terrorism Act 2006

2006 CHAPTER 11

PART 1

OFFENCES

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

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mentioned in section 7 of the Criminal Justice Act 1987 (preparatory hearings in cases of serious or complex fraud)—

- (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.

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- (9) In subsection (8) ‘terrorism’ has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).”

Commencement Information

II S. 16 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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 [F¹ or 2]F²... of this Act F³...;
- (b) an offence under [F⁴section 5 or 6 or] 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);

[F⁵(ca) an offence under section 12(1) or (1A) of that Act (inviting or expressing support for proscribed organisation);

(cb) an offence under section 13 of that Act (uniform etc associated with proscribed organisation);]

(d) an offence under section 54 of that Act (weapons training);

[F⁶(da) an offence under section 4 of the Explosive Substances Act 1883 (making or possessing explosives under suspicious circumstances) so far as committed for the purposes of an act of terrorism;]

(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 [F⁷(subject to subsection (3A))] or, in the case of a company, a company incorporated in a part of the United Kingdom.

[F⁸(3A) Subsection (1) applies in the case of an offence falling within subsection (2)(ca) or (cb) only if at the time of committing the offence the person is a United Kingdom national or a United Kingdom resident.

(3B) In subsection (3A)—

“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;

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“United Kingdom resident” means an individual who is resident in 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.

Textual Amendments

- F1** Words in s. 17(2)(a) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 6(3)(a), 27(3)** (with s. 25(1))
- F2** Words in s. 17(2)(a) omitted (3.3.2015) by virtue of Serious Crime Act 2015 (c. 9), s. 88(5)(b), **Sch. 4 para. 74(a)**
- F3** Words in s. 17(2)(a) omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 6(3)(b), 27(3)** (with s. 25(1))
- F4** Words in s. 17(2)(b) inserted (3.3.2015) by Serious Crime Act 2015 (c. 9), **ss. 81, 88(5)(b)** (with s. 86(10))
- F5** S. 17(2)(ca)(cb) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 6(4), 27(3)** (with s. 25(1))
- F6** S. 17(2)(da) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 6(5), 27(3)** (with s. 25(1))
- F7** Words in s. 17(3) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 6(6), 27(3)** (with s. 25(1))
- F8** S. 17(3A)(3B) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 6(7), 27(3)** (with s. 25(1))

Modifications etc. (not altering text)

- C1** S. 17(2)(f) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 52(a)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Commencement Information

- I2** S. 17 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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,

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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.

Commencement Information

I3 S. 18 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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^{F9} outside the United Kingdom or] 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.

Textual Amendments

F9 Words in s. 19(2) inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 29, 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(a)

Commencement Information

I4 S. 19 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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