



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 1

#### OFFENCES

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

### **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

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*Status: This is the original version (as it was originally enacted).*

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- (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—
    - (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.