



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 3

#### PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

##### *Sentencing*

#### **30 Sentences for offences with a terrorist connection: England and Wales**

- (1) This section applies where a court in England and Wales is considering for the purposes of sentence the seriousness of an offence specified in Schedule 2 (offences where terrorist connection to be considered).
- (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.
- (6) This section has effect in relation only to offences committed on or after the day it comes into force.

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

- (1) This section applies where in Scotland, in relation to an offence specified in Schedule 2 (offences where terrorist connection to be considered)—

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*Status: This is the original version (as it was originally enacted).*

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(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.
- (5) This section has effect in relation only to offences committed on or after the day it comes into force.

### **32 Sentences for offences with a terrorist connection: armed forces**

- (1) This section applies where a service court is considering for the purposes of sentence the seriousness of a service offence as respects which the corresponding civil offence is an offence specified in Schedule 2.
- (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) This section has effect in relation only to offences committed on or after the day it comes into force.

### **33 Power to amend list of offences where terrorist connection to be considered**

- (1) The Secretary of State may by order amend Schedule 2 (offences where terrorist connection to be considered).
- (2) Any such order is subject to affirmative resolution procedure.
- (3) An order adding an offence to that Schedule applies only in relation to offences committed after the order comes into force.