



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 4

NOTIFICATION REQUIREMENTS

Offences to which this Part applies

41 Offences to which this Part applies: terrorism offences

- (1) This Part applies to—
- (a) an offence under any of the following provisions of the Terrorism Act 2000 (c. 11)—
 - section 11 or 12 (offences relating to proscribed organisations),
 - sections 15 to 18 (offences relating to terrorist property),
 - section 38B (failure to disclose information about acts of terrorism),
 - section 54 (weapons training),
 - sections 56 to 61 (directing terrorism, possessing things and collecting information for the purposes of terrorism and inciting terrorism outside the United Kingdom);
 - (b) an offence in respect of which there is jurisdiction by virtue of any of sections 62 to 63D of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc);
 - (c) an offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (use of noxious substances or things);
 - (d) an offence under any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)—
 - sections 1 and 2 (encouragement of terrorism),
 - sections 5, 6 and 8 (preparation and training for terrorism),
 - sections 9, 10 and 11 (offences relating to radioactive devices and material and nuclear facilities);

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- (e) an offence in respect of which there is jurisdiction by virtue of section 17 of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc).
- (2) This Part also applies to any ancillary offence in relation to an offence listed in subsection (1).
- (3) The Secretary of State may by order amend subsection (1).
- (4) Any such order is subject to affirmative resolution procedure.
- (5) An order adding an offence applies only in relation to offences dealt with after the order comes into force.
- (6) An order removing an offence has effect in relation to offences whenever dealt with, whether before or after the order comes into force.
- (7) Where an offence is removed from the list, a person subject to the notification requirements by reason of that offence being listed (and who is not otherwise subject to those requirements) ceases to be subject to them when the order comes into force.

42 Offences to which this Part applies: offences having a terrorist connection

- (1) This Part applies to—
 - (a) an offence as to which a court has determined under section 30 (sentences for offences with a terrorist connection: England and Wales) that the offence has a terrorist connection, and
 - (b) an offence in relation to which section 31 applies (sentences for offences with terrorist connection: Scotland).
- (2) A person to whom the notification requirements apply by virtue of such a determination as is mentioned in subsection (1)(a) may appeal against it to the same court, and subject to the same conditions, as an appeal against sentence.
- (3) If the determination is set aside on appeal, the notification requirements are treated as never having applied to that person in respect of the offence.
- (4) Where an order is made under section 33 removing an offence from the list in Schedule 2, a person subject to the notification requirements by reason of that offence being so listed (and who is not otherwise subject to those requirements) ceases to be subject to them when the order comes into force.

43 Offences dealt with before commencement

- (1) This Part applies to a person dealt with for an offence before the commencement of this Part only if—
 - (a) the offence is on the commencement of this Part within section 41(1) or (2) (offences to which this Part applies: terrorism offences), and
 - (b) immediately before the commencement of this Part the person—
 - (i) is imprisoned or detained in pursuance of the sentence passed or order made in respect of the offence,
 - (ii) would be so imprisoned or detained but for being unlawfully at large, absent without leave, on temporary leave or leave of absence, or on bail pending an appeal, or

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- (iii) is on licence, having served the custodial part of a sentence of imprisonment in respect of the offence.
- (2) In relation to a person dealt with for an offence before the commencement of this Part—
- (a) any reference in this Part to a sentence or order under a specified statutory provision includes a sentence or order under any corresponding earlier statutory provision;
 - (b) any reference in this Part to a person being or having been found to be under a disability and to have done the act charged against them in respect of an offence includes a reference to their being or having been found—
 - (i) unfit to be tried for the offence,
 - (ii) insane so that their trial for the offence cannot or could not proceed, or
 - (iii) unfit to be tried and to have done the act charged against them in respect of the offence.