



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 7

MISCELLANEOUS

Terrorist offences

76 Offences relating to information about members of armed forces etc

(1) After section 58 of the Terrorism Act 2000 (collection of information) insert—

“58A Eliciting, publishing or communicating information about members of armed forces etc

- (1) A person commits an offence who—
- (a) elicits or attempts to elicit information about an individual who is or has been—
 - (i) a member of Her Majesty's forces,
 - (ii) a member of any of the intelligence services, or
 - (iii) a constable,which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or
 - (b) publishes or communicates any such information.
- (2) It is a defence for a person charged with an offence under this section to prove that they had a reasonable excuse for their action.
- (3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;
 - (b) on summary conviction—

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Terrorist offences. (See end of Document for details)

- (i) in England and Wales or Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (4) In this section “the intelligence services” means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994 (c. 13)).
- (5) Schedule 8A to this Act contains supplementary provisions relating to the offence under this section.”.
- (2) In the application of section 58A in England and Wales in relation to an offence committed before [F12 May 2022] the reference in subsection (3)(b)(i) to 12 months is to be read as a reference to 6 months.
- (3) In section 118 of the Terrorism Act 2000 (c. 11) (defences), in subsection (5)(a) after “58,” insert “ 58A, ”.
- (4) After Schedule 8 to the Terrorism Act 2000 insert the Schedule set out in Schedule 8 to this Act.

Textual Amendments

- F1** Words in s. 76(2) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

Commencement Information

- I1** S. 76 in force at 16.2.2009 by [S.I. 2009/58](#), [art. 2\(d\)](#)

77 Terrorist property: disclosure of information about possible offences

- (1) Part 3 of the Terrorism Act 2000 (terrorist property) is amended as follows.
- (2) In section 19(1) (duty to disclose belief or suspicion that offence committed), in paragraph (b) for “comes to his attention in the course of a trade, profession, business or employment” substitute—
- “comes to his attention—
- (i) in the course of a trade, profession or business, or
 - (ii) in the course of his employment (whether or not in the course of a trade, profession or business).”.
- (3) After section 22 insert—

“22A Meaning of “employment”

In sections 19 to 21B—

- (a) “employment” means any employment (whether paid or unpaid) and includes—

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- (i) work under a contract for services or as an office-holder,
 - (ii) work experience provided pursuant to a training course or programme or in the course of training for employment, and
 - (iii) voluntary work;
 - (b) “employer” has a corresponding meaning.”.
- (4) So far as the amendment in subsection (3) above extends any provision of sections 19 to 21B of the Terrorism Act 2000 involving belief or suspicion to cases to which that provision did not previously apply, that provision applies where the belief or suspicion is held after subsection (3) above comes into force even if based on information that came to the person's attention before that subsection was in force.

In any such case sections 19(2), 21(3) and 21A(4) of that Act (duty to make disclosure as soon as is reasonably practicable) are to be read as requiring the person to act as soon as is reasonably practicable after subsection (3) above comes into force.

Commencement Information

I2 S. 77 in force at 16.2.2009 by [S.I. 2009/58](#), **art. 2(e)**

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross
Heading: Terrorist offences.