



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 3

#### PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

##### *Sentencing*

#### **[<sup>F1</sup>30 Sentences for offences with a terrorist connection: <sup>F2</sup>... [<sup>F3</sup>... Northern Ireland]**

- (1) This section applies where a court [<sup>F4</sup>in Northern Ireland] is considering for the purposes of sentence the seriousness of an offence [<sup>F5</sup>specified in Schedule 2 (offences where terrorist connection to be considered)][<sup>F5</sup>within subsection (5A) or (5B)].
- (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.

#### **[<sup>F6</sup>(5A) An offence is within this subsection if it—**

- (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
- (b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and
- (c) is not specified in Schedule 1A.

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 30. (See end of Document for details)*

(5B) An offence is within this subsection if it—

(a) was committed—

- (i) on or after 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which extended this section to Northern Ireland, came into force), but
- (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and

(b) is specified in Schedule 2.

(5C) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (5A) and (5B) to have been committed on the last of those days.]

[<sup>F7</sup>(6) This section has effect in relation only to offences committed on or after the day it comes into force.]]

#### Textual Amendments

- F1** S. 30 repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 29** (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**
- F2** Words in s. 30 heading omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 273(2)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**
- F3** Words in s. 30 heading inserted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), **ss. 8(2)(a)**, 27(3) (with s. 25(2))
- F4** Words in s. 30(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 273(3)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**
- F5** Words in s. 30(1) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 1(5)(a)**, 50(2)(a)(3)(a)
- F6** S. 30(5A)-(5C) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 1(5)(b)**, 50(2)(a)(3)(a)
- F7** S. 30(6) omitted (29.6.2021 for specified purposes) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 1(5)(c)**, 50(2)(a)(3)(a)

#### Modifications etc. (not altering text)

- C1** S. 30 modified (1.12.2020 immediately before the consolidation date (see [2020 c. 9](#), **ss. 3**, 5(2)(3) and [2020 c. 17](#), **ss. 2**, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), **ss. 1**, 5(2)(3); [S.I. 2012/1236](#), **reg. 2**

#### Commencement Information

- I1** S. 30 in force at 18.6.2009 by [S.I. 2009/1256](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 30.