



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 4

#### SENTENCING

### CHAPTER 2

#### OTHER PROVISIONS RELATING TO SENTENCING

##### *Driving disqualification*

#### **137 Extension of driving disqualification**

Schedule 16 makes provision about the extension of disqualification for holding or obtaining a driving licence in certain circumstances.

##### *Dangerous offenders*

#### **138 Dangerous offenders: terrorism offences (England and Wales)**

(1) Part 1 of Schedule 15 to the [Criminal Justice Act 2003 \(c. 44\)](#) (specified violent offences for the purposes of Chapter 5 of Part 12 of that Act) is amended as follows.

(2) After paragraph 59 insert—

“59A An offence under section 54 of the Terrorism Act 2000 (weapons training).

59B An offence under section 56 of that Act (directing terrorist organisation).

59C An offence under section 57 of that Act (possession of article for terrorist purposes).

59D An offence under section 59 of that Act (inciting terrorism overseas).”

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*Status: This is the original version (as it was originally enacted).*

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(3) After paragraph 60 insert—

- “60A An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).
- 60B An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).
- 60C An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).”

(4) After paragraph 63A insert—

- “63B An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).
- 63C An offence under section 6 of that Act (training for terrorism).
- 63D An offence under section 9 of that Act (making or possession of radioactive device or material).
- 63E An offence under section 10 of that Act (use of radioactive device or material for terrorist purposes etc).
- 63F An offence under section 11 of that Act (terrorist threats relating to radioactive devices etc).”

### **139 Dangerous offenders: terrorism offences (Northern Ireland)**

(1) Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 ([S.I. 2008/1216 \(N.I. 1\)](#)) (serious offences for purposes of Chapter 3 of Part 2 of that Order) is amended in accordance with subsections (2) to (4).

(2) After paragraph 25 insert—

“*The Terrorism Act 2000 (c. 11)*

- 25A An offence under—
  - section 54 (weapons training),
  - section 56 (directing terrorist organisation),
  - section 57 (possession of article for terrorist purposes), or
  - section 59 (inciting terrorism overseas).”

(3) After paragraph 26 insert—

“*The Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 26A An offence under—
  - section 47 (use etc of nuclear weapons),
  - section 50 (assisting or inducing certain weapons-related acts overseas), or
  - section 113 (use of noxious substance or thing to cause harm or intimidate).”

(4) After paragraph 31 insert—

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

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*“The Terrorism Act 2006 (c. 11)*

31ZA An offence under—  
section 5 (preparation of terrorist acts),  
section 6 (training for terrorism),  
section 9 (making or possession of radioactive device or material),  
section 10 (use of radioactive device or material for terrorist purposes etc), or  
section 11 (terrorist threats relating to radioactive devices etc).”

(5) Part 1 of Schedule 2 to that Order (specified violent offences) is amended in accordance with subsections (6) to (8).

(6) After paragraph 27 insert—

*“The Terrorism Act 2000 (c. 11)*

27A An offence under—  
section 54 (weapons training),  
section 56 (directing terrorist organisation),  
section 57 (possession of article for terrorist purposes), or  
section 59 (inciting terrorism overseas).”

(7) After paragraph 28 insert—

*“The Anti-terrorism, Crime and Security Act 2001 (c. 24)*

28A An offence under—  
section 47 (use etc of nuclear weapons),  
section 50 (assisting or inducing certain weapons-related acts overseas), or  
section 113 (use of noxious substance or thing to cause harm or intimidate).”

(8) After paragraph 31 insert—

*“The Terrorism Act 2006 (c. 11)*

31A An offence under—  
section 5 (preparation of terrorist acts),  
section 6 (training for terrorism),  
section 9 (making or possession of radioactive device or material),  
section 10 (use of radioactive device or material for terrorist purposes etc), or  
section 11 (terrorist threats relating to radioactive devices etc).”

### *Confiscation orders*

#### **140 Appeals against certain confiscation orders (England and Wales)**

(1) The [Criminal Appeal Act 1968 \(c. 19\)](#) is amended in accordance with subsections (2) and (3).

(2) In section 11 (supplementary provisions as to appeal against sentence), after subsection (3) insert—

“(3A) Where the Court of Appeal exercise their power under paragraph (a) of subsection (3) to quash a confiscation order, the Court may, instead of proceeding under paragraph (b) of that subsection, direct the Crown Court to proceed afresh under the relevant enactment.

(3B) When proceeding afresh pursuant to subsection (3A), the Crown Court shall comply with any directions the Court of Appeal may make.

(3C) The Court of Appeal shall exercise the power to give such directions so as to ensure that any confiscation order made in respect of the appellant by the Crown Court does not deal more severely with the appellant than the order quashed under subsection (3)(a).

(3D) For the purposes of this section—

“confiscation order” means a confiscation order made under—

- (a) section 1 of the Drug Trafficking Offences Act 1986,
- (b) section 71 of the Criminal Justice Act 1988,
- (c) section 2 of the Drug Trafficking Act 1994, or
- (d) section 6 of the Proceeds of Crime Act 2002;

“relevant enactment”, in relation to a confiscation order quashed under subsection (3)(a), means the enactment under which the order was made.”

(3) After that section insert—

#### **“11A Quashing of certain confiscation orders: supplementary**

(1) This section applies where the Court of Appeal—

- (a) quash a confiscation order under section 11(3)(a) (“the quashed order”), and
- (b) under section 11(3A), direct the Crown Court to proceed afresh under the relevant enactment.

(2) Nothing in this section prevents any sum paid by the appellant pursuant to the quashed order being a sum which is recoverable from the Secretary of State as a debt owing to the appellant, but the Court of Appeal may direct that any such sum is not to be repaid until such time as the Crown Court makes a confiscation order, or decides not to make such an order, when proceeding afresh pursuant to section 11(3A).

(3) Nothing in this section prevents an amount which would otherwise fall to be repaid as a result of the order being quashed being set against an amount which the appellant is required to pay by virtue of a confiscation order made by the Crown Court in those proceedings.

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

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- (4) In this section “confiscation order” and “relevant enactment” have the same meaning as in section 11(3D).”

#### **141 Appeals against certain confiscation orders (Northern Ireland)**

- (1) The Criminal Appeal (Northern Ireland) Act 1980 (c. 47) is amended in accordance with subsections (2) and (3).

- (2) In section 10 (supplementary provisions as to appeals against sentence), after subsection (3) insert—

“(3A) Where the Court of Appeal exercises its power under subsection (3) to quash a confiscation order, the Court may, instead of passing a sentence in substitution for that order, direct the Crown Court to proceed afresh under the relevant enactment.

- (3B) When proceeding afresh pursuant to subsection (3A), the Crown Court shall comply with any directions the Court of Appeal may make.

- (3C) For the purposes of this section—

“confiscation order” means a confiscation order made under—

- (a) Article 4 or 5 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990,
- (b) Article 8 of the Proceeds of Crime (Northern Ireland) Order 1996, or
- (c) section 156 of the Proceeds of Crime Act 2002;

“relevant enactment”, in relation to a confiscation order quashed under subsection (3), means the enactment under which the order was made.”

- (3) After that section insert—

#### **“10A Quashing of certain confiscation orders: supplementary**

- (1) This section applies where the Court of Appeal—

- (a) quashes a confiscation order under section 10(3) (“the quashed order”), and
- (b) under section 10(3A), directs the Crown Court to proceed afresh under the relevant enactment.

- (2) Nothing in this section prevents any sum paid by the appellant pursuant to the quashed order being a sum which is recoverable from the Secretary of State as a debt owing to the appellant, but the Court of Appeal may direct that any sum is not to be repaid until such time as the Crown Court makes a confiscation order, or decides not to make such an order, when proceeding afresh pursuant to section 10(3A).

- (3) Nothing in this section prevents an amount which would otherwise fall to be repaid as a result of the order being quashed being set against an amount which the appellant is required to pay by virtue of a confiscation order made by the Crown Court in those proceedings.

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

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- (4) In this section “confiscation order” and “relevant enactment” have the same meaning as in section 10(3C).”