
Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

SCHEDULES

SCHEDULE 13

Section 46

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

OFFENCES AGGRAVATED BY TERRORIST CONNECTION

Terrorism Act 2000 (c. 11)

- 1 (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 23A(4) (application of forfeiture provisions to offences with terrorist connection)—
- (a) in the words before paragraph (a), omit the words from “specified” to “considered”;
 - (b) in paragraph (a), for “that Act” substitute “ the Counter-Terrorism Act 2008.”
- (3) In Schedule 4 (forfeiture orders)—
- (a) in paragraph 1, in the definition of “relevant offence”, in paragraph (c), for the words from “specified” to the end substitute “ within section 69(4) or (5) of the Sentencing Code (offences where terrorist connection to be treated as aggravating factor) ”;
 - (b) in paragraph 15, in the definition of “relevant offence”, in paragraph (c), for the words from “specified” to the end substitute “ within section 31(4A) or (4B) of the Counter-Terrorism Act 2008 (offences where terrorist connection to be treated as aggravating factor) ”.

Counter-Terrorism Act 2008 (c. 28)

- 2 (1) The Counter-Terrorism Act 2008 is amended as follows.
- (2) Omit section 33 (power to amend Schedule 2).
- (3) In section 42 (application of notification provisions to offences with terrorist connection), omit subsection (4).
- (4) In Schedule 2 (offences aggravated by terrorist connection)—
- (a) in the heading, after “Offences” insert “ committed before the commencement of section 1 of the Counter-Terrorism and Sentencing Act 2021 ”;
 - (b) in the entry relating to the Nuclear Material (Offences) Act 1983, in paragraph (c), omit “, so far as relating to an offence specified in this Schedule”.

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Counter-Terrorism and Security Act 2015 (c. 6)

- 3 In section 44(2)(e) of the Counter-Terrorism and Security Act 2015 (provisions subject to review by the independent reviewer of terrorism legislation), for “Schedule 1” substitute “Schedules A1 and 1”.

Space Industry Act 2018 (c. 5)

- 4 Paragraph 29 of Schedule 12 to the Space Industry Act 2018 (addition of offences to Schedule 2 to the Counter-Terrorism Act 2008) is repealed to the extent that it is not yet in force when section 1 of this Act comes into force.

Counter-Terrorism and Border Security Act 2019 (c. 3)

- 5 In section 25(2) of the Counter-Terrorism and Border Security Act 2019 (transitional provision about amendments to do with offences aggravated by terrorist connection), omit “or 8”.

Sentencing Act 2020 (c. 17)

- 6 (1) The Sentencing Act 2020 is amended as follows.
- (2) In the table in section 160(2) (list of forfeiture powers), in the entry for section 23A of the Terrorism Act 2000, in the second column, omit “specified in Schedule 1 to this Act”.
- (3) In Schedule 1 (offences aggravated by terrorist connection)—
- (a) in the heading, after “Offences” insert “committed before the commencement of section 1 of the Counter-Terrorism and Sentencing Act 2021”;
- (b) in paragraph 9(c), omit “, so far as relating to an offence specified in this Schedule”.
- (4) In Schedule 22, paragraph 4 (prospective addition of offences to Schedule 1 to the Code), and the heading above it, are repealed to the extent that paragraph 4 is not yet in force when section 1 of this Act comes into force.
- (5) In Schedule 23, omit Part 1 (power to amend Schedule 1).

Commencement Information

II [Sch. 13 para. 6](#) in force at 29.6.2021 for specified purposes and otherwise prosp. see [s. 50\(2\)\(v\)\(i\)\(3\)\(a\)\(h\)](#)

PART 2

SERIOUS TERRORISM SENTENCE: ENGLAND AND WALES

Criminal Justice Act 1982 (c. 48)

- 7 In section 32 of the Criminal Justice Act 1982 (early release of prisoners to make the best use of the places available for detention, subject to certain exceptions)—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (a) in subsection (1)(a), after “protection” insert “, a serious terrorism sentence”;
- (b) in subsection (1A), after paragraph (c) insert—
 - “(ca) references to a serious terrorism sentence are to a sentence under section 268A or 282A of the Sentencing Code;”.

Mental Health Act 1983 (c. 20)

- 8 In section 37 of the Mental Health Act 1983 (power of courts to order hospital admission etc)—
- (a) in subsection (1A), for “273, 274” substitute “ 268A, 273, 274, 282A ”;
 - (b) in subsection (1B), after paragraph (a) insert—
 - “(aa) a sentence falls to be imposed under section 268A or 282A of that Code if it is required by section 268B(2) or 282B(2) of that Code and the court is not of the opinion there mentioned;”.

Criminal Justice Act 2003 (c. 44)

- 9 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 237 (meaning of “fixed-term prisoner”)—
 - (a) in subsection (1)(b), for “266, 278 or 279” substitute “ 266 or 268A ”;
 - (b) in subsection (3), for “or 266” substitute “, 266 or 268A ”.
 - (3) In section 240ZA (time remanded in custody to count as time served), in subsection (11), for “or 266” substitute “, 266 or 268A ”.
 - (4) In section 247A (restricted eligibility for early release for terrorist prisoners)—
 - (a) in subsection (6), for “278 or 279” substitute “ 268A, 278, 279 or 282A ”;
 - (b) in subsection (8), in the definition of “the appropriate custodial term”, for “278 or 279” substitute “ 268A, 278, 279 or 282A ”.
 - (5) In section 250 (licence conditions), in subsection (4)—
 - (a) for “or 279” substitute “, 279 or 282A ”;
 - (b) for “or 266” substitute “, 266 or 268A ”.
 - (6) In section 255A (further release after recall)—
 - (a) in subsection (2), after “extended sentence prisoner” insert “ or a serious terrorism prisoner ”;
 - (b) after subsection (7) insert—
 - “(7A) A “serious terrorism prisoner” is a prisoner serving a serious terrorism sentence imposed under section 268A or 282A of the Sentencing Code.”
 - (7) In section 255C (extended sentence prisoners and those not suitable for automatic release)—
 - (a) for the heading, substitute “ Prisoners not suitable for automatic release ”;
 - (b) in subsection (1)(a), after “prisoner” insert “ or a serious terrorism prisoner (see section 255A(7) and (7A)) ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (8) In section 258 (early release for fine defaulters etc), in subsection (3A), for “or 266” substitute “ , 266 or 268A ”.
- (9) In section 263 (concurrent terms) in subsection (4), for “or 266” substitute “ , 266 or 268A ”.
- (10) In section 264(7) (application of provisions about consecutive sentences of imprisonment to sentences of detention), for “or 266” substitute “ , 266 or 268A ”.

Offender Management Act 2007 (c. 21)

- 10 In section 28(3) of the Offender Management Act 2007 (custodial sentences where polygraph condition may be imposed on release on licence), in paragraph (a), after “279” insert “ or 282A ”.

Sentencing Act 2020 (c. 17)

- 11 (1) The Sentencing Act 2020 is amended as follows.
 - (2) In section 15 (committal for sentence of dangerous adult offenders)—
 - (a) after subsection (1) insert—
 - “(1A) This section also applies where—
 - (a) on the summary trial of an offence specified in Schedule 17A triable either way a person is convicted of the offence, and
 - (b) the court is of the opinion that the circumstances are such that a serious terrorism sentence (see section 268A or 282A) may be required to be imposed.”;
 - (b) in subsection (6), for “a specified offence” substitute “ an offence ”.
 - (3) In section 59(2) (provisions to which duty to follow sentencing guidelines is subject), after paragraph (g) insert—
 - “(ga) sections 268B and 282B (requirement to impose serious terrorism sentence);”.
 - (4) In section 61 (sentencing guidelines: extended sentences and life sentences)—
 - (a) in the heading, after “extended sentences” insert “ , serious terrorism sentences ”;
 - (b) after subsection (2) insert—
 - “Serious terrorism sentence: determination of appropriate custodial term
 - (2A) Subsection (2B) applies where a court is required to impose a serious terrorism sentence for an offence.
 - (2B) In determining the appropriate custodial term for the purposes of section 268C(2)(b) or 282C(2)(b) (serious terrorism sentences: appropriate custodial term exceeding 14-year minimum), section 60 applies to the court as it applies to a court in determining the sentence for an offence.”
 - (5) In section 120(2)(a) (exceptions to the general power to fine offender convicted on indictment), after sub-paragraph (ii) (but before the final “or”) insert—

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“(ia) paragraph (ba) (serious terrorism sentences),”.

- (6) In section 166(5) (periods of extension of driving disqualification order where custodial sentence imposed)—

(a) after entry 4 in the table insert—

“4A	a serious terrorism sentence of the term imposed pursuant to detention in a young offender institution	section 268C(2) (the appropriate custodial term)”;
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(b) after entry 6 in the table insert—

“6A	a serious terrorism sentence of the term imposed pursuant to imprisonment	section 282C(2) (the appropriate custodial term)”.
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- (7) In section 221 (overview of Part 10)—

(a) in subsection (3)(a)—

(i) omit the “and” at the end of sub-paragraph (ii);

(ii) at the end of sub-paragraph (iii) insert “and

(iv) serious terrorism sentences,”;

(b) in subsection (4), after paragraph (c) (but before the final “and”) insert—

“(ca) serious terrorism sentences,”.

- (8) In section 231 (length of discretionary custodial sentences: general)—

(a) in the italic heading before subsection (3), for “mandatory sentences and extended sentences” substitute “certain sentences”;

(b) after subsection (6) insert—

“(6A) Subsection (2) does not apply where the custodial sentence is a serious terrorism sentence, except as provided in sections 268C(2)(b) and 282C(2)(b) (determination of appropriate custodial period where longer than the 14-year minimum).”

- (9) In section 262(3) (circumstances in which detention in young offender institution required), after “mentioned in” insert “—

(a) section 399(ba) (serious terrorism sentences);

(b)”.

- (10) In section 263 (term of detention in a young offender institution), in subsection (4), at the end insert—

“(c) section 268B (serious terrorism sentence).”

- (11) In section 265(1) (circumstances in which special custodial sentence for certain young adult offenders of particular concern is required), in paragraph (c)—

(a) in the words before sub-paragraph (i), for “either” substitute “any”;

(b) after sub-paragraph (i) (but before the final “or”) insert—

“(ia) a serious terrorism sentence under section 268A,”.

- (12) In section 267(1) (availability of extended sentence of detention), after paragraph (d) (but before the final “and”) insert—

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- “(da) the court is not required by section 268B to impose a serious terrorism sentence for the offence or for an offence associated with it.”.
- (13) In section 278 (special custodial sentence for offenders of particular concern), in subsection (1)(c)—
- (a) in the words before sub-paragraph (i), for “either” substitute “ any ”;
 - (b) after sub-paragraph (i) (but before the final “or”) insert—
 “(ia) a serious terrorism sentence under section 282A.”.
- (14) In section 280(1) (availability of extended sentence of imprisonment), after paragraph (d) (but before the final “and”) insert—
- “(da) the court is not required by section 282B to impose a serious terrorism sentence for the offence or for an offence associated with it.”.
- (15) In section 308 (assessment of dangerous), in subsection (1), after paragraph (a) insert—
- “(aa) section 268B or 282B (serious terrorism sentence);”.
- (16) In section 329 (conversion of sentence of detention to sentence of imprisonment)—
- (a) in subsection (3) (as amended by Part 4 of this Schedule), for “(5)” substitute “ (5A) ”;
 - (b) after subsection (5) insert—
 “(5A) If the relevant custodial sentence is a serious terrorism sentence of detention in a young offender institution, the offender is to be treated as if sentenced to a serious terrorism sentence of imprisonment under section 282A.”;
 - (c) in subsection (7), after paragraph (e) insert—
 “(ea) a serious terrorism sentence of detention in a young offender institution (see section 268A);”.
- (17) In section 397(1) (interpretation), after the definition of “sentencing guidelines” insert—
- ““serious terrorism sentence” means a sentence under—
- (a) section 268A (serious terrorism sentence of detention in young offender institution for adults aged under 21), or
 - (b) section 282A (serious terrorism sentence of imprisonment);”.
- (18) In section 399 (mandatory sentences), after paragraph (b) (but before the final “or”) insert—
- “(ba) the court is obliged by section 268B or 282B to impose a serious terrorism sentence.”.
- (19) In section 417(3) (commencement of provisions of Schedule 22 which relate to prospective abolition of sentences of detention in a young offender institution)—
- (a) in paragraph (a), for “38” substitute “ 38B ”;
 - (b) in paragraph (d), for “268” substitute “ 268C ”;
 - (c) in paragraph (f), after “paragraphs” insert “ 68A, ”.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

(20) In Schedule 22 (amendments of the Sentencing Code, including in relation to the prospective abolition of sentences of detention in a young offender institution)—

(a) for paragraph 36 substitute—

“36 In section 15 (committal for sentence of dangerous adult offenders)

—

(a) in subsection (1)(b), omit—

(i) “of detention in a young offender institution or”;

(ii) “266 or”;

(b) in subsection (1A), omit “268A or”.”;

(b) in paragraph 37 (amendments of section 59 of the Code)—

(i) for “59(2)(h)” substitute “ 59(2) ”;

(ii) after “court” insert “—

(a) in paragraph (ga), for “sections 268B and” substitute “ section ”;

(b) in paragraph (h),”;

(c) in paragraph 38 (amendments of section 61 of the Code), after subparagraph (a) insert—

“(aa) in subsection (2B), omit “268C(2)(b) or”.”;

(d) after paragraph 38 insert—

“38A In section 73(2A) (reduction in serious terrorism sentence for guilty plea), omit “268C(2) or, as the case may be,”.

38B In section 74(4A) (reduction in serious terrorism sentence for assistance to prosecution), omit “268C(2) or”.”;

(e) in paragraph 40 (amendments of section 166 of the Code), for “paragraphs 3 and 4” substitute “ entries 3, 4 and 4A ”;

(f) in paragraph 46 (amendments of section 231 of the Code), at the end insert—

“(d) in subsection (6A), for “sections 268C(2)(b) and” substitute “ section ”.”;

(g) after paragraph 57 insert—

“57A In section 282A (serious terrorism sentence of imprisonment: persons 21 or over), in the heading omit “: persons 21 or over”.

57B In section 282B (serious terrorism sentence of imprisonment: circumstances in which required), omit subsection (1)(c).”;

(h) in paragraph 62 (amendments of section 308(1) of the Code), after paragraph (a) insert—

“(aa) in paragraph (aa), omit “268B or”.”;

(i) after paragraph 68 insert—

“68A In section 323 (minimum term order: other life sentences)—

(a) in subsection (4), omit “268B(2) or” in both places;

(b) in subsection (6)(b), omit “268B(2) or”.”;

(j) in paragraph 70 (amendments of section 329 of the Code)—

(i) after the opening words insert—

“(za) in subsection (3), for “(4) to (5A)” substitute “ (4), (4A) and (5) ”.”;

(ii) after paragraph (a) insert—

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- “(aa) omit subsection (5A);”;
- (iii) in paragraph (b), after “(e)” insert “, (ea) ”;
- (k) in paragraph 72 (amendments of section 397(1) of the Code)—
 - (i) the words from “in the definition” to the end become sub-paragraph (a);
 - (ii) at the end insert—
 - “(b) in the definition of “serious terrorism sentence”, omit paragraph (a) (including the word “or” immediately after that paragraph).”;
- (l) for paragraph 73 (amendments of section 399 of the Code) substitute—
 - “73 In section 399 (mandatory sentences)—
 - (a) in paragraph (b)—
 - (i) in the opening words, omit “, custody for life”;
 - (ii) in sub-paragraph (i), omit “, 274”;
 - (iii) in sub-paragraph (ii), omit “273 or”;
 - (b) in paragraph (ba), omit “268B or”.
- (m) before paragraph 80 (amendment of Schedule 18 to the Code) insert—
 - “79A In Schedule 17A (serious terrorism offences), after paragraph 24 insert—

“Space Industry Act 2018

- 24A An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
 - (a) paragraph 1 (hijacking of spacecraft);
 - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
 - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
 - (d) paragraph 4 (endangering safety at spaceports).”
- (n) in paragraph 101 (amendment of section 37 of the Mental Health Act 1983)
 - (i) in sub-paragraph (1), omit “, as amended by paragraph 73 of Schedule 24”;
 - (ii) in sub-paragraph (2), for “273” substitute “ 268A, 273 ”;
 - (iii) in sub-paragraph (3), after “(1B)” insert “—
 - (a) in paragraph (aa), omit “section 268A or” and “282B(2) or”;
 - (b)”.

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

PART 3

OFFENCES ATTRACTING SPECIAL CUSTODIAL SENTENCE: ENGLAND AND WALES

Sentencing Act 2020 (c. 17)

- 12 (1) In section 398 of the Sentencing Act 2020 (ancillary or inchoate offences), in subsection (4), in the words after paragraph (b), for “9” substitute “ 8 or 12 ”.
- (2) The amendment made by sub-paragraph (1) does not apply where a person is convicted of an offence before the day on which this paragraph comes into force.

Commencement Information

- I2** [Sch. 13 para. 12](#) in force at 30.4.2021 for specified purposes and otherwise prosp. see [s. 50\(1\)\(i\)\(i\)\(3\)\(j\)](#)

PART 4

SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN AGED UNDER 18 AT TIME OF OFFENCE: ENGLAND AND WALES

Rehabilitation of Offenders Act 1974 (c. 53)

- 13 In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of England and Wales (rehabilitation periods for particular sentences)—
- (a) in subsection (1)(d), after “or section 250” insert “ or 252A ”;
 - (b) in subsection (8), in paragraph (f) of the definition of “custodial sentence”, before “of the Sentencing Code” insert “ or 252A ”.

Magistrates' Courts Act 1980 (c. 43)

- 14 (1) The Magistrates' Courts Act 1980 is amended as follows.
- (2) In section 24A(5)(b) (explanation of sentencing powers if offender aged under 18 pleads guilty)—
- (a) after “16” insert “ , 16A ”;
 - (b) after “16(1)(c)” insert “ , 16A(1)(c) ”.
- (3) In section 113(3) (no bail pending appeal for accused committed to Crown Court), after “16” insert “ , 16A ”.

Mental Health Act 1983 (c. 20)

- 15 In section 43(4) of the Mental Health Act 1983 (modification of magistrates' court's powers of committal), for “or 16” substitute “ , 16 or 16A ”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 16 In section 25(5) of the Criminal Justice and Public Order Act 1994 (restriction of bail for certain offenders: interpretation), in paragraph (a) of the definition of “the relevant enactments”, after “250” insert “ or 252A ”.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Crime and Disorder Act 1998 (c. 37)

- 17 (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 38(4) (youth justice services to be provided by local authorities), in paragraph (i), after “250,” insert “ 252A, ”.
- (3) In section 41(5)(i) (accommodation that may be provided under agreement with the Youth Justice Board), in sub-paragraph (ii), after “250,” insert “ 252A, ”.
- (4) In section 51A(3) (conditions for sending offender aged under 18 to Crown Court for trial), after paragraph (b) insert—
- “(ba) that the offence is such as is mentioned in section 252A(1)(a) of the Sentencing Code and the court considers that if he is found guilty of the offence it ought to be possible to sentence him under that section to a term of detention of more than two years;”.

Criminal Justice and Court Services Act 2000 (c. 43)

- 18 (1) The Criminal Justice and Court Services Act 2000 is amended as follows.
- (2) In section 62(5) (sentences in relation to which electronic monitoring conditions may be imposed on release), in paragraph (d), after “250” insert “ or 252A ”.
- (3) In section 62A(4) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (b), after “250” insert “ or 252A ”.
- (4) In section 64(5) (sentences in relation to which drug testing requirement may be imposed on release), in paragraph (d), after “250” insert “ or 252A ”.
- (5) In section 64A(8) (power to require attendance at drug testing appointment: interpretation), in paragraph (c) of the definition of “sentence of imprisonment”, after “250” insert “ or 252A ”.

Proceeds of Crime Act 2002 (c. 29)

- 19 In section 70(5) of the Proceeds of Crime Act 2002 (duty to state whether committal would have been made on grounds other than confiscation), after “16(2)” insert “ or 16A(2) ”.

Sexual Offences Act 2003 (c. 42)

- 20 In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), in paragraph (h), after “250” insert “ , 252A ”.

Criminal Justice Act 2003 (c. 44)

- 21 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 237(1)(b) (offender sentenced to youth detention to count as fixed-term prisoner), after “250” insert “ , 252A ”.
- (3) In section 240ZA(11) (time remanded in custody to count towards term of youth detention), after “250,” insert “ 252A, ”.

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- (4) In section 247A (eligibility for release on licence of terrorist prisoners)—
 - (a) in subsection (6), after “or under section” insert “ 252A, ”;
 - (b) in subsection (8), in the definition of “the appropriate custodial term”, and in paragraph (a) of the definition of “the requisite custodial period”, after “or under section” insert “ 252A, ”.
- (5) In section 250 (licence conditions)—
 - (a) in subsection (4), after “250,” insert “ 252A, ”;
 - (b) in subsection (5A)(b), after “or under section” insert “ 252A, ”.
- (6) In section 258(3A) (no duty to release fine defaulter or contemnor also serving term of youth detention), after “250” insert “ , 252A ”.
- (7) In section 263(4) (sentences of detention to which provision about concurrent terms applies), after “250,” insert “ 252A, ”.
- (8) In section 264 (consecutive sentences)—
 - (a) in subsection (6A)(a), for “265” substitute “ 252A, 265 ”;
 - (b) in subsection (7), after “250,” insert “ 252A, ”.
- (9) In section 327(3) (sentences attracting risk assessment measures for sexual or violent offenders), in paragraph (b)(v), after “250” insert “ or 252A ”.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 22 In section 45(1) of the Domestic Violence, Crime and Victims Act 2004 (victims' representations and information: interpretation), in the definition of “relevant sentence”, after “250” insert “ or 252A ”.

Armed Forces Act 2006 (c. 52)

- 23 (1) The Armed Forces Act 2006 is amended as follows.
 - (2) In section 188(4) (consecutive sentence may be passed on offender serving term of youth detention), in paragraph (b), after “250” insert “ or 252A ”.
 - (3) In section 213(3A) (application of section 253 of the Sentencing Code), after “250” insert “ or 252A ”.
 - (4) In section 227(3) (minimum sentence for certain firearms offences), after “250” insert “ or 252A ”.

Offender Management Act 2007 (c. 21)

- 24 In section 28(3) of the Offender Management Act 2007 (custodial sentences where polygraph condition may be imposed on release on licence)—
 - (a) omit the “or” before paragraph (f);
 - (b) at the end of that paragraph insert “or
 - (g) a sentence of detention under section 252A of the Sentencing Code.”

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Counter-Terrorism Act 2008 (c. 28)

- 25 In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences attracting notification requirements), after paragraph (via) (but before the final “or”) insert—
“(vib) detention under section 252A of the Sentencing Code (special sentence for terrorist offenders of particular concern aged under 18).”.

Sentencing Act 2020 (c. 17)

- 26 (1) The Sentencing Act 2020 is amended as follows.
(2) After section 16 insert—

“16A Committal for sentence of young offenders on summary trial of certain terrorist offences

- (1) This section applies where—
- (a) on summary trial of an offence within section 252A(1)(a) (terrorism offences attracting special sentence for offenders of particular concern), a person is convicted of the offence,
 - (b) the person is aged under 18 at the time of conviction, and
 - (c) the court is of the opinion that—
 - (i) the offence, or
 - (ii) the combination of the offence and one or more offences associated with it,
was such that the Crown Court should have power to deal with the offender by imposing a sentence of detention under section 252A for a term of more than two years.
- (2) The court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 22(2).
- (3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.”
- (3) In section 17(4) (power to commit dangerous young offender for sentence not to affect other powers of committal), after “16” insert “, 16A ”.
- (4) In section 19 (committal for sentence on indication of guilty plea by child with related offences)—
- (a) in subsection (1)(b), at the end insert “ or section 252A(1)(a) (terrorism offences attracting special sentence for offenders of particular concern) ”;
 - (b) in subsection (2)(a), after “249(1)” insert “ or within section 252A(1)(a) ”;
 - (c) in subsection (3)(b), after “16(2)” insert “, 16A(2) ”.
- (5) In section 22 (powers of Crown Court where offender aged under 18 committed for sentence)—
- (a) in the heading, after “16,” insert “ 16A, ”;
 - (b) in subsection (1), after paragraph (a) insert—

“(aa) section 16A(2) (committal for sentence of young offenders on summary trial of certain terrorist offences),”;
 - (c) in subsection (4)(b), after “16(2)” insert “, 16A(2) ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (6) In section 166(5) (periods of extension of driving disqualification order where custodial sentence imposed), after entry 1 in the table insert—

“1A	a sentence of detention under two-thirds of the term imposed pursuant section 252A (special sentence of to section 252A(5) (the appropriate detention for terrorist offenders of custodial term)”. particular concern)
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- (7) In section 221(2) (kinds of custodial sentence dealt with by Chapter 2 of Part 10), after paragraph (b) insert—

“(ba) special sentences of detention for terrorist offenders of particular concern (section 252A);”.

- (8) In section 225 (restriction on consecutive sentences for released prisoners), in subsection (3)(c), after sub-paragraph (i) insert—

“(ia) section 252A,”.

- (9) In section 226(2)(b) (sentences which may not be imposed on offender aged under 21 without representation), after “(or 254)” insert “ , under section 252A ”.

- (10) In section 234(1)(c) (sentences to be considered before detention and training order), after sub-paragraph (i) (but before the final “or”) insert—

“(ia) a sentence of detention under section 252A,”.

- (11) In section 241(6) (modification of order for release from detention and training order where offender subject to another sentence), in paragraph (b), after sub-paragraph (i) insert—

“(ia) a sentence of detention under section 252A,”.

- (12) In section 248(4) (meaning of “relevant sentence of detention”), after paragraph (a) insert—

“(aa) a sentence of detention under section 252A,”.

- (13) In section 249(1) (availability of sentence of detention under section 250), after “table” insert “ (but the court is not required to pass a sentence of detention under section 252A) ”.

- (14) Before section 253, insert as an italic heading, “ Sentences of detention passed during detention and training order ”.

- (15) In section 253 (effect of sentence of detention where offender already subject to detention and training order), in subsection (1), after “250” insert “ or 252A ”.

- (16) In section 255(1)(a) (offences for which extended sentence of detention available), for sub-paragraph (ii) substitute—

“(ii) is one for which a sentence of detention is available under section 250 or 252A (see the table in section 249(1) and section 252A(1)(a) and (b)),”.

- (17) In section 260 (place and conditions of detention), in the heading and in subsection (1), after “250” insert “ , 252A ”.

- (18) In section 265 (special sentence of detention in young offender institution for offenders of particular concern), after subsection (3) insert—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- “(4) 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 subsection (1A) to have been committed on the last of those days.”
- (19) In section 278 (special sentence of imprisonment for offenders of particular concern), after subsection (3) insert—
- “(4) 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 subsection (1A) to have been committed on the last of those days.”
- (20) In section 311(3) (appropriate type of sentence where minimum sentence for firearms offence imposed), after “250” insert “ or, in a case to which section 252A applies, under that section ”.
- (21) In section 312 (minimum sentence for threatening with weapon or bladed article), after subsection (3) insert—
- “(4) This section is subject to section 252A.”
- (22) In section 315 (minimum sentence for repeat offence involving weapon or bladed article), after subsection (5) insert—
- “(6) This section is subject to section 252A.”
- (23) In section 325(5) (sentences where certain time on bail to count towards term), in paragraph (c), after “section 250” insert “ , 252A ”.
- (24) In section 327(2) (sentences where time in custody awaiting extradition to count towards term), in paragraph (c), after “section 250” insert “ , 252A ”.
- (25) In section 329 (conversion of sentences of detention to imprisonment)—
- (a) in subsection (3), for “(4) and” substitute “ (4) to ”;
 - (b) after subsection (4) insert—

“(4A) If the relevant custodial sentence is—

 - (a) a sentence of detention under section 252A, or
 - (b) a sentence of detention in a young offender institution under section 265,

the offender is to be treated as if sentenced to a sentence of imprisonment under section 278.”;
 - (c) in subsection (7), after paragraph (a) insert—

“(aa) a sentence of detention under section 252A;”.
- (26) In section 417(3) (commencement of provisions of Schedule 22 which relate to prospective abolition of sentences of detention in a young offender institution), in paragraph (c), after “51” insert “ , 51A ”.
- (27) In Schedule 22 (amendments of the Sentencing Code, including in relation to prospective abolition of sentences of detention in a young offender institution)—
- (a) after paragraph 51 insert—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- “51A In section 252A (special sentence of detention for terrorist offenders of particular concern aged under 18), in subsection (4), for “21” substitute “ 18 ”.”;
- (b) in paragraph 70 (amendment of section 329 of the Sentencing Code in relation to the prospective abolition of sentences of detention in a young offender institution), before paragraph (a) insert—
- “(zb) in subsection (4A), omit paragraph (b) (and the word “or” immediately before it);”.
- (28) In Schedule 27 (transitional provision and savings), in paragraph 15(2), before paragraph (a) insert—
- “(za) the reference in section 252A(1)(c)(i) to a sentence of detention for life under section 250 includes a reference to a sentence of detention for life under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;
- (zb) the reference in section 252A(1)(c)(ii) to an extended sentence of detention under section 254 includes a reference to an extended sentence of detention under section 226B of the Criminal Justice Act 2003;”.
- Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)*
- 27 In regulation 5(1) of the Children (Secure Accommodation) Regulations 1991 (custodial sentences disapplying section 25 of the Children Act 1989), before “or 259” insert “ , 252A ”.
- Youth Justice Board for England and Wales Order 2000 (S.I. 2000/1160)*
- 28 In article 4(2) of the Youth Justice Board for England and Wales Order 2000 (functions exercisable by the Youth Justice Board concurrently with the Secretary of State)—
- (a) in paragraph (a), before “or 259” insert “ , 252A ”;
- (b) in paragraph (m)(ii), before “or 259” insert “ , 252A ”.
- Child Benefit (General) Regulations 2006 (S.I. 2006/223)*
- 29 In regulation 1(3) of the Child Benefit (General) Regulations 2006 (interpretation of Regulations), in paragraph (a) of the definition of “penalty”, after “250,” insert “ 252A, ”.
- Employment and Support Allowance Regulations 2008 (S.I. 2008/794)*
- 30 In regulation 160(5) of the Employment and Support Allowance Regulations 2008 (exceptions from disqualification for imprisonment: interpretation), in paragraph (c), after “250” insert “ , 252A ”.
- Employment and Support Allowance Regulations 2013 (S.I. 2013/379)*
- 31 In regulation 96(6) of the Employment and Support Allowance Regulations 2013 (exceptions from disqualification for imprisonment: interpretation), in paragraph (c), after “250” insert “ , 252A ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Children (Secure Accommodation) (Wales) Regulations 2015 (S.I. 2015/1988 (W. 298))

- 32 In regulation 14(a) of the Children (Secure Accommodation) (Wales) Regulations 2015 (sentences of detention disapplying section 119 of the Social Services and Well-being (Wales) Act 2014), after “250” insert “, 252A ”.

PROSPECTIVE

PART 5

AMENDMENTS IN RELATION TO SENTENCING UNDER SERVICE LAW

Rehabilitation of Offenders Act 1974 (c. 53)

- 33 In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of England and Wales (rehabilitation periods for particular sentences)—
- (a) in subsection (1)(d), after “or section 209” insert “ or 224B ”;
 - (b) in subsection (8), in paragraph (f) of the definition of “custodial sentence”, after “209” insert “ or 224B ”.
- 34 (1) The Rehabilitation of Offenders Act 1974 as it forms part of the law of Scotland is amended as follows.
- (2) In section 5 (rehabilitation periods for particular sentences)—
- (a) in subsection (1)(d), after “or section 209” insert “ or 224B ”;
 - (b) in subsection (2F)(a)(ii), after “209” insert “ or 224B ”.
- (3) In section 5B (Table B – disclosure periods: service disciplinary cases), in the sixth entry of Table B, after “209” insert “ or 224B ”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 35 In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for particular sentences), in each of the following places, after “209” insert “ or 224B ”
- (a) paragraph (1)(e);
 - (b) in paragraph (2), in Table B, in the first column, the fourth and fifth entries;
 - (c) paragraph (9)(c).

Criminal Justice Act 1982 (c. 48)

- 36 In section 32(1A) of the Criminal Justice Act 1982 (sentences excluded from early release of prisoners to make the best use of the places available for detention), in paragraph (ca) (inserted by Part 2 of this Schedule), at the end insert “, including a sentence passed as a result of section 219ZA of the Armed Forces Act 2006 ”.

Crime and Disorder Act 1998 (c. 37)

- 37 (1) The Crime and Disorder Act 1998 is amended as follows.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

(2) In section 38(4) (youth justice services to be provided by local authorities), in paragraph (i), for “or 222” substitute “, 222 or 224B”.

(3) In section 41(5)(i) (accommodation that may be provided under agreement with the Youth Justice Board), in sub-paragraph (ii), for “or 222” substitute “, 222 or 224B”.

Criminal Justice and Court Services Act 2000 (c. 43)

38 (1) The Criminal Justice and Court Services Act 2000 is amended as follows.

(2) In section 62(5) (sentences in relation to which electronic monitoring conditions may be imposed on release), in paragraph (g), for “or 218” substitute “, 218 or 224B”.

(3) In section 62A(4) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (c), after “209” insert “ or 224B”.

(4) In section 64(5) (sentences in relation to which drug testing requirement may be imposed on release), in paragraph (g), for “or 218” substitute “, 218 or 224B”.

(5) In section 64A(8) (power to require attendance at drug testing appointment: interpretation), in paragraph (f) of the definition of “sentence of imprisonment”, after “209” insert “ or 224B”.

Sexual Offences Act 2003 (c. 42)

39 In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), in paragraph (h), for “or 218” substitute “, 218 or 224B”.

Criminal Justice Act 2003 (c. 44)

40 In section 237(1B) of the Criminal Justice Act 2003 (service sentences to be treated as equivalent sentences in England and Wales) —

(a) omit the “and” before paragraph (e);

(b) at the end of that paragraph insert—

“(f) references to a sentence of detention under section 252A of the Sentencing Code include a sentence of detention under section 224B of that Act;

(g) references to a sentence under section 268A or 282A of the Sentencing Code include such a sentence passed as a result of section 219ZA of that Act.”

Armed Forces Act 2006 (c. 52)

41 (1) The Armed Forces Act 2006 is amended as follows.

(2) In section 188 (power to pass consecutive custodial sentences), in subsections (2)(b) and (4)(b), after “209” insert “ or 224B”.

(3) In section 209 (sentence of detention for offender aged under 18), after subsection (7) insert—

“(8) This section does not apply if the Court Martial is required to impose a sentence of detention under section 224B.”

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (4) In section 210 (place and conditions of youth detention), after “209”, in each place it occurs (including in the heading), insert “ or 224B ”.
- (5) In section 211(4) (cases in which detention and training order not required), after “221A” insert “ , 224B ”.
- (6) In section 213(3A) (as amended by Part 4 of this Schedule) (application of section 253 of the Sentencing Code), after “209” insert “ or 224B ”.
- (7) In section 219A(1) (availability of extended sentence for certain violent, sexual or terrorism offences), after paragraph (d) (but before the final “and”) insert—
 - “(da) the court is not required—
 - (i) by section 268B(2) of the Sentencing Code (as applied by section 219ZA(4) of this Act) to impose a serious terrorism sentence of detention in a young offender institution for the offence or for an offence associated with it;
 - (ii) by section 282B(2) of the Sentencing Code (as applied by section 219ZA(7) of this Act) to impose a serious terrorism sentence of imprisonment for the offence or for an offence associated with it;”.
- (8) In section 223 (meaning of “the required opinion”)—
 - (a) after subsection (1) insert—
 - “(1A) “The required opinion” for the purposes of section 219ZA is the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of—
 - (a) further serious terrorism offences or other specified offences; or
 - (b) further acts or omissions that would be serious terrorism offences or other specified offences if committed in England or Wales.”;
 - (b) in subsection (4), after the definition of “serious harm” insert—

““serious terrorism offence” has the meaning given by that section;”.
- (9) In section 224A (special custodial sentence for offenders of particular concern)—
 - (a) in subsection (1), in paragraph (d)—
 - (i) omit the “or” at the end of sub-paragraph (i);
 - (ii) after sub-paragraph (ii) insert “ , or
 - (iii) a serious terrorism sentence of detention or imprisonment under section 268A or 282A of the Sentencing Code (as applied by section 219ZA of this Act).”;
 - (b) after subsection (3) insert—

“(3A) 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 subsection (1A) to have been committed on the last of those days.”
- (10) In section 227(3) (minimum sentence for certain firearms offences), for the words from “ , the reference” to the end substitute “—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (a) the reference to a sentence of detention under section 250 of that Code is to be read as a reference to a sentence of detention under section 209 of this Act, and
 - (b) the reference to a sentence of detention under section 252A of that Code is to be read as a reference to a sentence of detention under section 224B of this Act.”
- (11) In section 238(6) (offences aggravated by terrorist connection)—
 - (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (a) insert—
 - “(aa) the reference in subsection (4)(c) to an offence not specified in Schedule A1 includes a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is not specified in Schedule A1, and”;
 - (c) in paragraph (b), for “(1)” substitute “ (5)(b) ”.
- (12) In section 246 (crediting of time in custody), in subsection (6)(a), after “209” insert “ or 224B ”.
- (13) In section 256(1)(c) (cases where pre-sentence report to be considered), after “219(1),” insert “ 219ZA(1)(d), ”.
- (14) In section 260 (discretionary custodial sentences: general restrictions) —
 - (a) in subsection (1)—
 - (i) for “This section applies” substitute “ Subsection (2) applies ”;
 - (ii) after paragraph (c) insert—
 - “(ca) falls to be imposed under section 268A or 282A of the Sentencing Code as a result of section 219ZA (serious terrorism sentences);”;
 - (b) in subsection (4B), before paragraph (a) insert—
 - “(za) section 268C(2) or 282C(2) of the Sentencing Code, as applied by section 219ZA of this Act (serious terrorism sentences for offenders aged 18 or over),”.
- (15) In section 261 (length of discretionary custodial sentences: general), in subsection (1), after paragraph (b)—
 - “(ba) section 268A or 282A of the Sentencing Code as a result of section 219ZA (serious terrorism sentences),”.
- (16) In section 262A (application of section 329 of the Sentencing Code)—
 - (a) after subsection (2) insert—
 - “(2A) In subsection (4A)—
 - (a) paragraph (a) has effect as if, for “252A”, there were substituted “ 224B of the Armed Forces Act 2006 ”;
 - (b) paragraph (b) has effect as if, after “265”, there were inserted “ passed as a result of section 224A of the Armed Forces Act 2006 ”;
 - (c) the words after paragraph (b) have effect as if, after “278”, there were inserted “ passed as a result of section 224A of the Armed Forces Act 2006 ”.”;

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

(b) after subsection (3) insert—

“(3A) Subsection (5A) has effect as if, at the end, there were inserted “passed as a result of section 219ZA(7) of the Armed Forces Act 2006.”;

(c) in subsection (4)—

(i) after the paragraph (a) treated as substituted in subsection (7) of section 329 of the Sentencing Code insert—

“(aa) a sentence of detention under section 224B of that Act;”;

(ii) after the paragraph (d) treated as substituted in subsection (7) of section 329 of the Sentencing Code insert—

“(da) a serious terrorism sentence of detention in a young offender institution (see section 219ZA(4) of the Armed Forces Act 2006);”.

(17) In section 374 (interpretation of Act), in the definition of “custodial sentence”, in paragraph (b), for “or 221A” substitute “, 221A or 224B”.

Counter-Terrorism Act 2008 (c. 28)

42 In paragraph 5(1)(a)(iv) of Schedule 6 to the Counter-Terrorism Act 2008 (service sentences of youth detention attracting notification requirements for terrorist offenders), after “209” insert “ or 224B”.

Sentencing Act 2020 (c. 17)

43 (1) The Sentencing Act 2020 is amended as follows.

(2) In section 225 (restriction on consecutive sentences for released prisoners), in subsection (3)(c)(vi), after “209” insert “ or 224B”.

(3) In section 241 (period of detention and training under detention and training order), in subsections (6)(b)(ii) and (7)(c), after “209” insert “ or 224B”.

(4) In section 248(4) (meaning of “relevant sentence of detention”), in paragraph (c), after “209” insert “ or 224B”.

(5) In section 418 (commencement of provisions of Schedule 26 in relation to prospective abolition of sentences of detention in a young offender institution), after subsection (2) insert—

“(2A) Paragraphs 13A, 20A and 24A (and paragraph 1 so far as it relates to them) also come into force at that time.”

(6) In Schedule 25 (amendments of Armed Forces Act 2006), omit paragraph 45(5).

(7) In Schedule 26 (further amendments of the Armed Forces Act 2006 in relation to prospective abolition of sentences of detention in a young offender institution)—

(a) after paragraph 13 insert—

“13A In section 219ZA (serious terrorism sentence for offenders aged 18 or over)—

(a) in subsection (1)(e), omit “a sentence of custody for life or (as the case may be);”;

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (b) omit subsections (4) to (6);
 - (c) in subsection (7), omit “Where the offender is aged 21 or over when convicted of the serious terrorism offence.”;
- (b) in paragraph 14 (amendments of section 219A of the 2006 Act), for sub-paragraph (a) substitute—
 - “(a) in subsection (1)—
 - (i) in paragraph (d), omit sub-paragraphs (i) and (iii);
 - (ii) in paragraph (da), omit sub-paragraph (i);”;
- (c) in paragraph 15(a) (amendments of section 224A of the 2006 Act), after paragraph (ii) insert—
 - “(iii) in sub-paragraph (iii), for “detention or imprisonment under section 268A or 282A” substitute “imprisonment under section 282A ”;”;
- (d) in paragraph 18 (amendment of section 239 of the 2006 Act), after “pleas)” insert “—
 - (a) in subsection (3A), omit—
 - (i) “(4) or”;
 - (ii) “268A or”;
 - (b) in subsection (3B), omit “268C(2) or, as the case may be,”;
 - (c)”;
- (e) in paragraph 19 (amendments of section 260 of the 2006 Act)—
 - (i) in sub-paragraph (a), after paragraph (ii) insert—
 - “(iia) in paragraph (ca), omit “268A or”.”;
 - (ii) for sub-paragraph (b) substitute—
 - “(b) in subsection (4B)—
 - (i) in paragraph (za), omit “268C(2) or”;
 - (ii) in paragraph (a), omit “268(2) or”.”;
- (f) in paragraph 20 (amendments of section 261 of the 2006 Act), at the end insert—
 - “(c) in paragraph (ba), omit “268A or”.”;
- (g) after paragraph 20 insert—
 - “20A In section 261A(3) (life sentences: further provision)—
 - (a) in paragraph (b), omit “268B(2) or”;
 - (b) in paragraph (c)(i), omit “268B(2) or”.”;
- (h) in paragraph 21 (amendments of section 262A of the 2006 Act), for the words from “, in subsection (4)” to the end substitute—
 - “(a) in subsection (2A), omit paragraph (b);
 - (b) omit subsection (3A);
 - (c) in subsection (4), omit paragraphs (d), (da), (e) and (f) treated as substituted in subsection (7) of section 329 of the Sentencing Code.”;
- (i) after paragraph 24 insert—
 - “24A In section 304C (to be inserted by the Armed Forces Act 2016: reduction in sentence), in subsection (5A)—
 - (a) omit “268C(2) or”;

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

(b) for “section 219ZA(5) to (8)” substitute “ section 219ZA(8) ”

(8) In Schedule 27 (transitional provision and savings), in paragraph 16(2), for the words from “, the reference” to the end substitute “—

(a) the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 266 or 279 of the Sentencing Code includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003;

(b) the reference in section 224B(1)(c)(ii) to an extended sentence of detention under section 254 of the Sentencing Code includes a reference to an extended sentence of detention under section 226B of the Criminal Justice Act 2003.”

PART 6

AMENDMENTS IN RELATION TO RELEASE: ENGLAND AND WALES

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

^{F1}44

Textual Amendments

F1 Sch. 13 para. 44 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 13](#)

Criminal Justice Act 2003 (c. 44)

45 (1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 247A (restricted eligibility for release on licence of terrorist prisoners)—

(a) in subsection (2)—

(i) in the words before paragraph (a), for “whether it was committed before or after this section comes into force” substitute “ whenever it was committed ”;

(ii) for paragraphs (b) and (c) substitute—

“(b) it is a service offence as respects which the corresponding civil offence is so specified, or

(c) it was determined to have a terrorist connection.”;

(b) after subsection (7) insert—

“(7A) For the purposes of this section, an offence was determined to have a terrorist connection if it was—

(a) determined to have a terrorist connection under—

(i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now subject to the provisions of this Chapter), or
 - (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or
 - (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now subject to the provisions of this Chapter).”;
 - (c) in subsection (8), in the final definition, for “, “corresponding civil offence” and “service court”” substitute “and “corresponding civil offence””;
 - (d) in subsection (9) (transitional provision for pre-commencement referrals of terrorist prisoners), in paragraph (a), for “sentence” substitute “period”;
 - (e) after subsection (10) insert—

“(10A) In the case of a prisoner to whom this section applies as a result of the amendments made by sub-paragraph (2) of paragraph 45 of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021, the references in subsections (9) and (10) to the date on which this section comes into force are to be read as references to the date on which that sub-paragraph comes into force.”
- (3) In section 250 (licence conditions)—
 - (a) in subsection (5A), in each of paragraphs (a) and (b), after “a prisoner” insert “, other than a terrorist prisoner, ”;
 - (b) after subsection (5A) insert—

“(5AA) Subsection (5B) also applies to a licence granted, either on initial release or after recall to prison, to a terrorist prisoner in a case where the licence is granted following a direction of the Board for the prisoner's release.”;
 - (c) omit subsection (5BA);
 - (d) after subsection (8) insert—

“(9) In this section “terrorist prisoner” means a prisoner to whom section 247A applies, or would apply but for the prisoner's having been released on licence.”
- (4) In section 264(6A) (custodial periods to be aggregated in case of consecutive terms served by terrorist prisoner)—
 - (a) before paragraph (a) insert—

“(za) in relation to a sentence within subsection (2A) of that section, the whole of the “appropriate custodial term” within the meaning of that section (see subsection (8) of that section),”;
 - (b) in paragraph (a), after “extended sentence” insert “ (not being one to which paragraph (za) applies) ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (5) In section 264AA(2) (Parole Board directions when detention and training order to take effect on release from sentence of detention), after “under that section” insert “ or paragraph ”.
- (6) In Schedule 19ZA (offences carrying restricted eligibility for release on licence), omit Part 2.

Commencement Information

- I3** Sch. 13 para. 45(1)-(3)(5)(6) in force at 30.4.2021, Sch. 13 para. 45(4) in force at 29.6.2021 see s. 50(1)(i)(iv)(2)(v)(iii)

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 46 In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to alter test for discretionary release on licence)—
- (a) in subsection (2), in paragraphs (bb) and (c), after “terrorist prisoner” insert “ eligible for discretionary release ”;
 - (b) in subsection (6)—
 - (i) in the definitions of “extended sentence prisoner” and “section 236A prisoner”, for “a terrorist prisoner” substitute “ one to whom section 247A of the Criminal Justice Act 2003 applies ”;
 - (ii) in the definition of “terrorist prisoner”—
 - (a) after “terrorist prisoner” insert “ eligible for discretionary release ”;
 - (b) after “247A” insert “ (3) to (5) ”.

PART 7

CONSEQUENTIAL AND RELATED AMENDMENTS: SCOTLAND

Social Work (Scotland) Act 1968 (c. 49)

- 47 In section 6A(1)(d) of the Social Work (Scotland) Act 1968 (inquiries into detention of children under certain enactments), after “44” insert “ , 205ZC(5) ”.

Rehabilitation of Offenders Act 1974 (c. 53)

- 48 In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of England and Wales (rehabilitation periods for particular sentences), in subsection (1)(d)—
- (a) for “Act 1975” substitute “ Act 1995 ”;
 - (b) for the words from “section 206” to the end substitute “ section 205ZC(5) or 208 of the Criminal Procedure (Scotland) Act 1995; ”.
- 49 In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of Scotland (rehabilitation periods for particular sentences)—
- (a) in subsection (1)(da), after “section” insert “ 205ZA(6) (serious terrorism sentence for young offenders), 205ZC(4) or (5) (terrorism sentence for young offenders or children), ”;

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (b) in subsection (12), in paragraph (b) of the definition of “custodial sentence”, after “44,” insert “ 205ZA(6), 205ZC(4) or (5), ”.

Repatriation of Prisoners Act 1984 (c. 47)

- 50 In section 2(4)(b)(ii) of the Repatriation of Prisoners Act 1984 (provision that may be included in direction varying order requiring certain prisoners to be detained), after “or (4),” insert “ 1AB, ”.

Prisons (Scotland) Act 1989 (c. 45)

- 51 (1) The Prisons (Scotland) Act 1989 is amended as follows.
- (2) In section 39(7B) (rules for the management of prisons and other institutions: application in relation to extended sentence)—
- (a) after “above to” insert—
- “(a) a prisoner subject to a sentence under section 205ZA or 205ZC of the 1995 Act (sentences for terrorism offences), the reference to the prisoner's sentence is to be construed as a reference to the appropriate custodial term of the sentence concerned, and
- (b)”;
- (b) for “the 1995” substitute “ that ”.
- (3) In section 40(3)(a) (arrest of absent prisoners: application of section to persons sentenced or ordered to be detained under certain provisions of the 1995 Act), after “205” insert “ , 205ZC(5) ”.

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

- 52 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- (2) In section 1 (release of short-term, long-term and life prisoners)—
- (a) in subsection (3A), for “section 1A” substitute “ sections 1A and 1B ”;
- (b) in subsection (9), after “applies” insert “ to the extent that the person is serving a sentence of imprisonment imposed in respect of an offence within section 1AB(2) ”.
- (3) In section 1AA (release of certain sexual offenders), for subsection (9) substitute—
- “(9) This section is subject to section 1B.”
- (4) In section 1AB (restricted eligibility for release on licence of terrorist prisoners)—
- (a) in subsection (2)—
- (i) in the words before paragraph (a), for “whether it was committed before or after this section comes into force” substitute “ whenever it was committed ”;
- (ii) for paragraphs (b) and (c) substitute—
- “(b) it is a service offence as respects which the corresponding civil offence is so specified, or
- (c) it was determined to have a terrorist connection.”;
- (b) after subsection (5) insert—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

“(5A) For the purposes of this section, an offence was determined to have a terrorist connection if it was—

- (a) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008, or
- (b) determined to have a terrorist connection under—
 - (i) section 30 or 32 of that Act, or
 - (ii) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
 (in the case of an offender sentenced in England and Wales or Northern Ireland, or for a service offence, but now subject to the provisions of this Part).

(5B) Subsection (4) is subject to sections 1A and 1B.”;

- (c) in subsection (6), for “, “corresponding civil offence” and “service court”” substitute “and “corresponding civil offence””.

(5) In the heading of section 1A, after “to” insert “ certain ”.

(6) After section 1A insert—

“1B Prisoners serving consecutive sentences including at least one terrorism sentence

(1) This section applies where—

- (a) a prisoner has been sentenced to two or more terms of imprisonment which are to be served consecutively on each other,
- (b) one or more of the sentences (the “terrorism sentence”) was imposed in respect of an offence within section 1AB(2), and
- (c) the sentences were imposed on the same occasion or, where they were imposed on different occasions, the prisoner has not been released under this Part at any time during the period beginning with the first and ending with the last of those occasions.

(2) If the prisoner is serving a terrorism sentence and a sentence imposed in respect of an offence that is not within section 1AB(2) (a “non-terrorism sentence”), the terrorism sentence is to be served (or, where subsection (7) applies, treated as being served) after the non-terrorism sentence irrespective of when the sentences were imposed.

(3) Where subsection (2) applies, the prisoner is to be taken to begin serving the custodial part of the terrorism sentence (or first such sentence) as soon as the prisoner has served the custodial part of the non-terrorism sentence.

(4) If (but for this section) the prisoner would have been released on licence under this Part in respect of a non-terrorism sentence, the period during which the prisoner would have been on licence under this Part is to be served concurrently with the custodial part of the terrorism sentence.

(5) The prisoner may not be released under this Part in respect of the terrorism sentence unless and until the prisoner has served the aggregate of—

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (a) if the prisoner is serving a non-terrorism sentence, the custodial part of the sentence, and
 - (b) the custodial part of each terrorism sentence that the prisoner is serving.
- (6) Subsection (7) applies where—
 - (a) a non-terrorism sentence is imposed on the prisoner (the “new sentence”), and
 - (b) the prisoner has already served part of the custodial part of a terrorism sentence (the “served part”).
- (7) The prisoner is to be treated as having served—
 - (a) where the served part is less than the custodial part of the new sentence, such part of the custodial part of the new sentence as is equal to the served part,
 - (b) where the served part is equal to the custodial part of the new sentence, the custodial part of the new sentence,
 - (c) where the served part exceeds the custodial part of the new sentence—
 - (i) the custodial part of the new sentence, and
 - (ii) so much of the custodial part of the terrorism sentence as is equal to the amount by which the served part exceeds the custodial part of the new sentence.
- (8) Nothing in this Part requires—
 - (a) the Scottish Ministers to release the prisoner in respect of any of the terms of imprisonment unless and until they are required to release the prisoner in respect of each of the other terms of imprisonment,
 - (b) the Scottish Ministers or the Parole Board to consider the prisoner's release in respect of any of the terms of imprisonment unless and until the Ministers are or the Board is required to consider the prisoner's release, or the Ministers are required to release the prisoner, in respect of each of the other terms.
- (9) If the prisoner is released on licence under this Part the prisoner is to be on licence, on and after the release, until the prisoner would, but for the release, have served a term equal in length to the aggregate length of the term of imprisonment of any non-terrorism sentence and the term or, as the case may be, terms of imprisonment for the terrorism sentence or sentences less the period mentioned in subsection (10).
- (10) The period is—
 - (a) any period served concurrently in accordance with subsection (4), and
 - (b) if (but for this section) the prisoner would have been released unconditionally under section 1(1) in respect of a non-terrorism sentence, the period equal to one-half of the term of that sentence.
- (11) Where a prisoner to which this section applies is released on licence under this Part (other than a licence under section 3AA), the release is to be on a single licence which is to be subject to such conditions as may be specified or required by this Part in relation to all the sentences in respect of which the prisoner has been so released.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (12) In this section “custodial part”, in relation to a term of imprisonment means a period equal to the part of the term that (but for this section) the prisoner would be required to serve before—
- (a) the Scottish Ministers are required to release the prisoner under this Part, or
 - (b) the Parole Board is first entitled under this Part to make a recommendation that the prisoner be released on licence under this Part.
- (13) In this section—
- (a) references to a non-terrorism sentence include references to two or more such sentences that are treated as a single term by virtue of section 27(5) (whether imposed before, after or both before and after a terrorism sentence), and
 - (b) where subsection (7) applies, the references in that subsection to the “custodial part of the new sentence” include references to the custodial part of the single term.
- (14) This section applies to a prisoner on whom sentence was imposed before the day on which paragraph 52(6) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021 came into force as it applies to a prisoner on whom sentence was imposed on or after that day.”
- (7) In section 2 (duty to release discretionary life prisoners)—
- (a) in subsection (2)—
 - (i) in the opening words, after “being” insert “, subject to section 205ZB(2) of the 1995 Act,”;
 - (ii) in paragraph (c), after “appropriate” insert “ (and except in the case of a prisoner to whom section 205ZB of the 1995 Act applies) ”;
 - (b) in subsection (6), for “subsection (7)” substitute “ subsections (6B) and (7) ”;
 - (c) after subsection (6A) insert—

“(6B) No requirement may be made under subsection (6) by a life prisoner who is also serving or liable to serve a sentence of imprisonment in respect of an offence within section 1AB(2)—

 - (a) in the case of a prisoner to whom section 1AB(3) applies, before the day on which the Scottish Ministers are required to refer the prisoner's case to the Parole Board under section 1AB(3), or
 - (b) in the case of a prisoner to whom section 1AB(3) does not apply by virtue of section 1AB(2A), before the day on which the Scottish Ministers are required to release the prisoner under section 26ZA(5).”;
 - (d) in subsection (7), after “prisoner” insert “ (other than a prisoner to whom subsection (6B) applies) ”.
- (8) In section 2B(1) (punishment part for life prisoners: assessment under section 2A(1) (a) and (b)), at the beginning insert “ Subject to section 205ZB(2) of the 1995 Act, ”.
- (9) In section 3A (re-release of prisoners serving extended sentences)—
- (a) in the heading, after “serving” insert “ certain terrorism sentences and ”;

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- (b) in subsection (1), for the words from “an” to “sentences)” substitute “ a sentence mentioned in subsection (1ZA) ”;
 - (c) after subsection (1) insert—
 - “(1ZA) The sentences are—
 - (a) a sentence imposed under section 205ZA of the 1995 Act (serious terrorism sentence);
 - (b) a sentence imposed under section 205ZC of that Act (terrorism sentence with fixed licence period);
 - (c) an extended sentence under section 210A of that Act.”;
 - (d) in subsection (3), after “term with” insert “ the sentence under section 205ZA or, as the case may be, section 205ZC or ”;
 - (e) in subsection (4), for the words from “if” to the end substitute—
 - “(a) where—
 - (i) the prisoner is serving a sentence imposed under section 205ZA or 205ZC of the 1995 Act or an extended sentence under section 210A of that Act in respect of a terrorism offence, and
 - (ii) the Board is satisfied that the condition in subsection (4A) is met (but not otherwise),direct that the prisoner should be released;
 - (b) where—
 - (i) the prisoner is serving an extended sentence under section 210A of that Act in respect of a sexual or violent offence, and
 - (ii) the Board is satisfied that the condition in subsection (4B) is met (but not otherwise),direct that the prisoner should be released.”;
 - (f) after subsection (4) insert—
 - “(4A) The condition is that it is no longer necessary for the protection of the public that the prisoner should be confined.
 - (4B) The condition is that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined.”
- (10) In section 3B (review of decisions as to determinate sentences)—
- (a) in subsection (1)(a), after “from” insert “ a sentence imposed under section 205ZC of the 1995 Act or ”;
 - (b) in subsection (1)(b)—
 - (i) after “serving” insert “ a sentence imposed under section 205ZC of the 1995 Act or ”;
 - (ii) after “sentence”, in the second place it occurs, insert “ or extended sentence ”;
 - (c) in subsection (4)(b), after “relates to” insert “ a sentence imposed under section 205ZC of the 1995 Act or ”.
- (11) In section 5 (application of Part to fine defaulters and persons in contempt of court)—
- (a) in subsection (2), for “subsection (2A)” substitute “ section 1B ”;
 - (b) omit subsection (2A);

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (c) in subsection (4), after “1A” insert “, 1B”.
- (12) In section 6(1) (application of Act to young offenders and to children detained without limit of time), for paragraph (a) substitute—
 - “(a) to—
 - (i) persons on whom detention in a young offenders institution has been imposed under section 205ZA(6) of the 1995 Act,
 - (ii) persons on whom detention in a young offenders institution has been imposed under section 205ZC(4) of that Act, and
 - (iii) persons on whom detention in a young offenders institution (other than detention without limit of time or for life) has been imposed under section 207(2) of that Act,
 as the Part applies to persons serving equivalent sentences of imprisonment;”.
- (13) In section 7 (children detained in solemn proceedings)—
 - (a) in subsection (3)—
 - (i) after “(2) above” insert “ or, as the case may be, section 1AB(4) or 26ZA(5)(a) ”;
 - (ii) after “sentence)” insert “ or, as the case may be, before the date on which the sentence under section 205ZC(5) as originally imposed by the court expires ”;
 - (iii) after “so elapses” insert “ or, as the case may be, the sentence under section 205ZC(5) expires ”;
 - (b) in subsection (5)(a)—
 - (i) for “and 20(2)” substitute “, 20(2) and 26ZA ”;
 - (ii) for “detained under section 208 of the 1995” substitute “ on whom detention has been imposed under section 205ZC(5) of the 1995 Act and children detained under section 208 of that ”;
 - (iii) at the end (but before the final “and”) insert “ (but subject to the modifications of section 26ZA in subsection (5A)) ”;
 - (c) in subsection (5), after paragraph (a) (but before the final “and”) insert—
 - “(aa) sections 3A and 3B of this Act apply to children on whom detention has been imposed under section 205ZC(5) of the 1995 Act as they apply to long-term prisoners;”;
 - (d) in subsection (5)(b), after “1A” insert “, 1B”;
 - (e) after subsection (5) insert—
 - “(5A) The modifications are that section 26ZA is to be read as if—
 - (a) subsection (9) were omitted, and
 - (b) subsection (10)(a) related to section 1A(1)(c) only.”;
 - (f) in subsection (8)—
 - (i) for “subsection (5)” substitute “ subsections (2) and (3) to (7) ”;
 - (ii) after “applies” insert “ to the extent that detention is imposed on the person under section 205ZC(5) of the 1995 Act. ”;
 - (g) after subsection (8) insert—
 - “(9) This section is subject to section 1B.”

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (14) In section 9 (persons liable to removal from the United Kingdom), omit subsection (1A).
- (15) In section 26A (extended sentences: application of section)—
- (a) in subsection (1), after “sentences” insert “ other than an extended sentence imposed in respect of a terrorism offence. ”;
 - (b) in subsection (2), for “section 1A” substitute “ sections 1A and 1B ”;
 - (c) in subsection (6), for “section 1A(c)” substitute “ sections 1A(1)(c) and 1B(11) ”.
- (16) In section 27 (interpretation of Part 1 of the Act)—
- (a) in subsection (5), after “shall” insert “ , subject to subsection (5A), ”;
 - (b) after subsection (5) insert—
- “(5A) Subsection (5) does not apply in relation to a sentence passed on a person—
- (a) in respect of an offence within section 1AB(2), and
 - (b) on or after the coming into force of paragraph 52(6) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021.
- (5B) In determining, for the purposes of subsection (5), whether a sentence passed on a person in respect of an offence (other than an offence within section 1AB(2)) is to be treated as part of a single term, any sentence passed on the person in respect of an offence within section 1AB(2) is to be ignored.”
- (17) In Schedule 1A (offences carrying restricted eligibility for release on licence), omit Part 2.

Commencement Information

I4 [Sch. 13 para. 52\(1\)-\(6\)\(7\)\(b\)-\(d\)\(8\)-\(17\)](#) in force at 30.4.2021, [Sch. 13 para. 52\(7\)\(a\)](#) in force at 29.6.2021
see [s. 50\(1\)\(i\)\(vi\)\(2\)\(v\)\(iii\)](#)

Criminal Procedure (Scotland Act) 1995 (c. 46)

- 53 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 207(2) (detention of young offenders), after “205(2) and (3)” insert “ , 205ZA(6), 205ZC(4) ”.
- (3) In section 208(1) (detention of children convicted on indictment), for “section 205” substitute “ sections 205 and 205ZC(5) ”.
- (4) In section 210A(1) (extended sentences for sex, violent and terrorist offenders)—
- (a) omit “and” after paragraph (a);
 - (b) after paragraph (b) insert “and
 - (c) is not required by section 205ZA to impose a serious terrorism sentence of imprisonment or a serious terrorism sentence of detention,”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Commencement Information

- I5** Sch. 13 para. 53(1)-(3) in force at 30.4.2021, Sch. 13 para. 53(4) in force at 29.6.2021 see s. 50(1)(i)(vii)(2)(v)(iii)

Crime (Sentences) Act 1997 (c. 43)

- 54 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands)—
- (a) in each of paragraphs 10(2)(a) and 11(2)(a), after “1AA,” insert “ 1AB, ”;
 - (b) in each of paragraphs 10(2)(a) and (5)(a) and 11(2)(a) and (4)(a)—
 - (i) after “1A,” insert “ 1B, ”;
 - (ii) after “21,” insert “ 26ZA, ”.

International Criminal Court (Scotland) Act 2001 (asp 13)

- 55 In section 24(c) of the International Criminal Court (Scotland) Act 2001 (disapplication of transfer and release provisions of the Prisoners and Criminal Proceedings (Scotland) Act 1993 in relation to certain persons detained in Scotland)—
- (a) after “1AA,” insert “ 1AB, ”;
 - (b) after “1A,” insert “ 1B, ”;
 - (c) after “10” insert “ , 26ZA ”.

Extradition Act 2003 (c. 41)

- 56 In each of the following provisions of the Extradition Act 2003 (which set out the circumstances in which a person is entitled to be released from detention for the purposes of the section), after “1AA” insert “ , 1AB ”
- (a) section 59(11)(c),
 - (b) section 132(11)(c), and
 - (c) section 153B(10)(a)(iii).

Sexual Offences Act 2003 (c. 42)

- 57 In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), in paragraph (h), before “208” insert “ 205ZC(5) or ”.

Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)

- 58 In Schedule 6 to the Custodial Sentences and Weapons (Scotland) Act 2007 (transitory modifications of Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993), in paragraph 4, in the inserted section 9B, after subsection (6) insert—
- “(7) This section does not apply in relation to a person to whom section 1AB applies.”

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Counter-Terrorism Act 2008 (c. 28)

- 59 In section 45(2) of the Counter-Terrorism Act 2008 (Scottish sentences attracting notification requirements), in paragraph (a), at the end of sub-paragraph (iv) (but before the final “or”) insert—
“(iva) detention under section 205ZC(5) of that Act.”.

Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3)

- 60 In section 4 of the Terrorist Offenders (Restriction of Early Release) Act 2020 (disapplication of certain existing release provisions: Scotland), omit subsections (5) and (7).

PART 8

SERIOUS TERRORISM SENTENCE AND EXTENDED CUSTODIAL SENTENCE: NORTHERN IRELAND

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

- 61 In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (as amended by Part 9 of this Schedule) (length of custodial sentences to be reduced for periods already spent in custody), after “Article” insert “ 13A(6), ”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 62 In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as amended by Part 9 of this Schedule) (rehabilitation periods for particular sentences), in paragraph (9)(b), after “Article” insert “ 13A(6) or ”.

Mental Health (Northern Ireland) Order 1986 (S.I. 1985/595 (N.I. 4))

- 63 In Article 44(1A) of the Mental Health (Northern Ireland) Order 1986 (sentences requirement to impose which does not prevent making of hospital or guardianship order), in sub-paragraph (c), after “13” insert “ , 13A ”.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 64 (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 2(2) (meaning of expressions), in paragraph (b) of the definition of “custodial sentence”, after “13(4)(b)” insert “ , 13A(6) ”.
- (3) In Article 4(1) (power to grant absolute or condition discharge subject to certain sentencing requirements), after “13” insert “ , 13A ”.
- (4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), after “13” insert “ , 13A ”.
- (5) In Article 13(1) (power to make community service order subject to sentencing requirements), after “13” insert “ , 13A ”.
- (6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), after “13” insert “ , 13A ”.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Counter-Terrorism Act 2008 (c. 28)

- 65 In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iii) insert—

“(iiiia) a serious terrorism sentence under Article 13A(6) of that Order (offenders under 21 convicted of certain serious terrorist or terrorism-related offences),”.

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

- 66 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.
- (2) In Article 3 (interpretation of Part 2 (sentencing)), in paragraph (1), after the definition of “serious harm” insert—

““serious terrorism sentence” has the meaning given by Article 13A;”.

- (3) In Article 4 (interpretation of Chapter 2 (custodial sentences))—
- (a) in paragraph (1) (as amended by Part 9 of this Schedule), in paragraph (c) of the definition of “custodial sentence”, after “13(4)(b),” insert “ 13A(6), ”;
 - (b) in paragraph (2), after sub-paragraph (a) insert—

“(aa) a sentence falls to be imposed under Article 13A if, because the court is of the opinions mentioned in paragraphs (1)(d) and (3) of that Article and is not of the opinion mentioned in paragraph (2) of that Article, the court is obliged to pass a sentence complying with that Article;”.
- (4) In Article 5(1)(b) (sentences not subject to general restriction on imposing custody), in paragraph (i), for “or 14” substitute “, 13A or 14 ”.
- (5) In Article 7(2) (as amended by Part 9 of this Schedule) (custodial term to be shortest commensurate with seriousness of offence), in paragraph (2), after “Articles” insert 13A,”.
- (6) In Article 8(1)(a) (as amended by Part 9 of this Schedule) (setting of custodial period), after “other than” insert “ a serious terrorism sentence, ”.
- (7) In Article 9(2) (pre-sentence reports before forming opinion as to dangerousness), after “13(1)(b)” insert “, 13A(1)(d) ”.
- (8) In Article 13(3) (duty to impose indeterminate custodial sentence), in the words before paragraph (a), after “extended custodial sentence” insert “ or a serious terrorism sentence ”.
- (9) In Article 14 (extended custodial sentences)—
- (a) in paragraph (1)(b)—
 - (i) at the end of paragraph (i), for “; and” substitute “ or serious terrorism offences; ”;
 - (ii) in paragraph (ii), after “specified offence” insert “ or serious terrorism offence ”;
 - (iii) at the end of paragraph (ii) insert “; and
 - (iii) where the offence, or an offence associated with it, is a serious terrorism offence, that the case is not one in which the court is

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- required by Article 13A to pass a serious terrorism sentence.”;
- (b) in paragraphs (3)(b) and (5)(b), after “specified offences” insert “ or serious terrorism offences ”;
- (c) in paragraph (10), for the words from “that is” to the end substitute “ with which the offence is punishable (apart from Article 13) ”.
- (10) In Article 15(1) (cases where assessment of dangerousness required)—
- (a) in sub-paragraph (a), after “specified offence” insert “ or serious terrorism offence ”;
- (b) in sub-paragraph (b), after “13” insert “ , 13A ”.
- (11) In Article 16(2) (interpretation of Chapter 4 (release on licence)), in paragraph (c) of the definition of “custodial sentence” (as amended by Part 9 of this Schedule), after “13(4)(b),” insert “ 13A(6), ”.
- (12) In Article 33(6) (custodial periods to be aggregated in case of consecutive sentences), in sub-paragraph (a)(i) (as amended by Part 9 of this Schedule)—
- (a) after “in relation to” insert “ a serious terrorism sentence, ”;
- (b) after “Article” insert “ 13A, ”.

PART 9

TERRORISM SENTENCE WITH FIXED LICENCE PERIOD: NORTHERN IRELAND

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

- 67 In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (length of custodial sentences to be reduced for periods already spent in custody), after “14(5)” insert “ or 15A(5) ”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 68 In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for particular sentences), in paragraph (9)(b), after “centre” insert “ , a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008 ”.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 69 (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 2(2) (meaning of expressions), in paragraph (b)(ii) of the definition of “custodial sentence”, for “or 14(5)” substitute “ , 14(5) or 15A(5) ”.
- (3) In Article 4(1) (power to grant absolute or conditional discharge subject to certain sentencing requirements), for “or 14” substitute “ , 14 or 15A ”.
- (4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), for “or 14” substitute “ , 14 or 15A ”.
- (5) In Article 13(1) (power to make community service order subject to certain sentencing requirements), for “or 14” substitute “ , 14 or 15A ”.

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), for “or 14” substitute “ , 14 or 15A ”.

Sexual Offences Act 2003 (c. 42)

- 70 In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), after paragraph (l) of that section as it forms part of the law of England and Wales and Scotland, and after paragraph (m) of that section as it forms part of the law of Northern Ireland, insert—

“(n) a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008”.

Counter-Terrorism Act 2008 (c. 28)

- 71 In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iv) insert—

“(iva) a sentence under Article 15A(5) of that Order (offenders under 21 convicted of certain terrorist or terrorism-related offences),”.

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

- 72 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.
- (2) In Article 3 (interpretation of Part 2 (sentencing))—
- (a) in paragraph (1), before the definition of “community sentence” insert—
- ““Article 15A terrorism sentence” means a sentence under Article 15A;”;
- (b) after paragraph (4) insert—
- “(5) For the purposes of this Part, references to an offence punishable with imprisonment for a certain term are to be read as references to an offence that is punishable with imprisonment for that term on conviction on indictment in the case of an offender aged 21 or over.”
- (3) In Article 4 (interpretation of Chapter 2 (custodial sentences))—
- (a) in paragraph (1), in paragraph (c) of the definition of “custodial sentence”, for “or 14(5)” substitute “ , 14(5) or 15A(5) ”;
- (b) in paragraph (2), after sub-paragraph (b) insert—
- “(ba) a sentence falls to be imposed under Article 15A if the court is obliged to pass a sentence complying with that Article;”.
- (4) In Article 7 (custodial term to be shortest commensurate with seriousness of offence) —
- (a) in paragraph (1), after sub-paragraph (c) (but before the final “or”) insert—
- “(ca) of detention under Article 15A(5);”;
- (b) in paragraph (2), for “Article 14” substitute “ Articles 14 and 15A ”.
- (5) In Article 8(1)(a) (setting of custodial period), after “extended custodial sentence” insert “ or an Article 15A terrorism sentence ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (6) In the heading of Chapter 3 of Part 2, at the end insert “ and other terrorist offenders ”.
- (7) In Article 14 (extended custodial sentences), in paragraph (4)(a), after “this Article” insert “ and Article 15A ”.
- (8) In Article 16(2) (interpretation of Chapter 4 (release on licence)), in paragraph (c) of the definition of “custodial sentence”, for “or 14(5)” substitute “ , 14(5) or 15A(5) ”.
- (9) In Article 33(6) (custodial periods to be aggregated in case of consecutive sentences), in sub-paragraph (a)(i)—
 - (a) after “extended sentence” insert “ or an Article 15A terrorism sentence ”;
 - (b) after “14” insert “ or 15A ”.

PART 10

RELEASE ON LICENCE: NORTHERN IRELAND

Extradition Act 2003 (c. 41)

- 73 In each of the following provisions of the Extradition Act 2003 (which set out the circumstances in which a person is entitled to be released from detention for the purposes of the section), for “or 18(8)” substitute “ , 18(8) or 20A(8) ”
- (a) section 59(11)(d);
 - (b) section 132(11)(d);
 - (c) section 153B(10)(a)(iv).

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

- 74 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.
- (2) In Article 16 (interpretation of Chapter 4 of Part 2 (release on licence)), after paragraph (3) insert—
- “(3A) For the purposes of this Chapter, an offence was determined to have a terrorist connection if it was—
- (a) determined to have a terrorist connection under—
 - (i) section 30 or 32 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Northern Ireland, or an offender sentenced in England and Wales or for a service offence before the Sentencing Code applied but now subject to the provisions of this Chapter), or
 - (ii) section 69 of the Sentencing Code (in the case of an offender sentenced in England and Wales or for a service offence but now subject to the provisions of this Chapter), or
 - (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now subject to the provisions of this Chapter).
- (3B) In this Chapter “service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).”

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

- (3) In Article 17(1) (duty to release fixed-term prisoners not serving extended sentences), for “a prisoner serving an extended custodial sentence” substitute “one to whom Article 18 or 20A applies”.
- (4) In Article 18 (duty to release prisoners serving indeterminate or extended sentences), after paragraph (1) insert—
 - “(1A) But this Article does not apply to a prisoner to whom Article 20A applies.”
- (5) In Article 19 (power to release prisoners before required), in paragraph (3), for sub-paragraph (a) substitute—
 - “(a) Article 18 or 20A applies to the prisoner;”.
- (6) In Article 20(3) (consultation with Parole Commissioners before release of certain prisoners), for the words from “serving” to the end of sub-paragraph (b) substitute “to whom Article 18 or 20A applies”.
- (7) In Article 23(1) (power of court to recommend licence conditions), for “or 19” substitute “, 19 or 20A”.
- (8) In Article 24(5) (requirement to consult Parole Commissioners about licence conditions), in the words before sub-paragraph (a), after “18” insert “or 20A”.
- (9) In Article 28 (recall of prisoners while on licence)—
 - (a) in paragraph (1), for “or 20” substitute “, 20 or 20A”;
 - (b) in paragraph (6)(a), after “extended custodial sentence” insert “and was not released under Article 20A”.
- (10) In Article 29 (further release after recall for certain prisoners), in paragraph (1)(a), after “extended custodial sentence” insert “or a prisoner to whom Article 20A applies”.

Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))

- 75 (1) In section 55(2) of the Justice Act (Northern Ireland) 2016 (prisoners who may be removed early from prison if liable to removal from the United Kingdom), for the words from “serving an” to the end substitute “—
 - (a) who is serving an extended custodial sentence under Article 14 of the 2008 Order, or
 - (b) to whom Article 20A of that Order applies.”
- (2) In the case of a person—
 - (a) who has been removed from prison under section 55(2) of the Justice Act (Northern Ireland) 2016 before the amendment made by sub-paragraph (1) comes into force, and
 - (b) to whom Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies,
 subsection (3) of that section continues to apply to the person despite that amendment, but as if for the words “has served the requisite custodial period” there were substituted “becomes entitled to be released in accordance with Article 20A of the 2008 Order”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13. (See end of Document for details)

Parole Commissioners' Rules (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 82)

- 76 (1) The Parole Commissioners' Rules (Northern Ireland) 2009 are amended as follows.
- (2) In rule 2(1) (application of the rules), after “Articles 18” insert “, 20A ”.
- (3) In rule 7(2) (persons who may act as representatives of prisoner only with consent of Chief Commissioner), in paragraph (b), for the words from “sentenced to” to the end substitute “who —
- (i) is on licence having been released under Article 18 or 20A of the 2008 Order, or
 - (ii) is a person to whom Article 18 or 20A of that Order applies and who is on licence having been released under Article 20 of that Order;”.
- (4) In rule 25 (application of rules to recalled life, indeterminate and extended custodial prisoners)—
- (a) in the heading after “custodial” insert “ and terrorist ”;
 - (b) in the words before paragraph (a), for “an indeterminate custodial or extended custodial prisoner's case” substitute “ the case of a prisoner who was released on licence under Article 18 or 20A of the 2008 Order ”.
- (5) In rule 26 (short custodial terms)—
- (a) for paragraph (1) substitute—

“(1) Subject to paragraph (2), where—

 - (a) the Department of Justice refers to the Commissioners—
 - (i) the case of an extended custodial prisoner under Article 18 of the 2008 Order, or
 - (ii) the case of any prisoner under Article 20A of that Order, and
 - (b) the relevant part of the prisoner's sentence is less than 26 weeks;

these rules shall apply subject to the modifications made by rule 25(a).”;
 - (b) after paragraph (2) insert—

“(3) For the purposes of paragraph (1)(b), the “relevant part of the sentence”—

 - (a) in the case of an extended custodial prisoner to whom Article 18 of the 2008 Order applies, means one half of the appropriate custodial term of the sentence as defined by Article 14(4) or 14(6) of that Order;
 - (b) in the case of a prisoner to whom Article 20A of that Order applies, has the meaning given by paragraph (9) of that Article;

and in determining the length of that part any reduction required by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 is to be taken into account.”

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 13.