

*These notes refer to the Terrorism Act 2006 (c.11)
which received Royal Assent on 30 March 2006*

TERRORISM ACT 2006

EXPLANATORY NOTES

COMMENTARY

Definitions

Section 5 – Preparation of terrorist acts

50. **Section 5** creates an offence of the preparation of terrorist acts. This offence adds to existing common law offences of conspiracy to carry out terrorist acts, and attempting to carry out such acts. At the moment the law does not cover preparatory acts: the offence of attempt provides that the acts done must be more than merely preparatory and the offence of conspiracy provides that an agreement to commit an offence must have occurred. In addition both offences require that a specific offence is attempted or planned rather than just a general intention to carry out acts that amount to terrorism. Under the new offence created by this section acts of preparation with the relevant intention will be caught, for example if a person possesses items that could be used for terrorism even if not immediately and that person has the necessary intention he will be caught by the offence.

Subsections (1) and (2)

51. **Subsection (1)** creates an offence of preparing to commit or assist others to commit one or more acts of terrorism with the intent of committing or assisting others to commit such acts. **Subsection (2)** states that this is an offence whether or not there are specific plans, or solely an intention to carry out such acts generally.