

# **TERRORISM ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### *Definitions*

#### *Section 6 – Training for terrorism*

52. This section implements Article 7 of the Convention. Article 7.2 requires parties to create an offence of training for terrorism. Training for terrorism is defined in Article 7.1. Article 7 is already partially implemented by section 54 of the TACT, this new offence covers matters that are not already dealt with by section 54. Section 54 relates to training in the use or making of firearms, explosives and chemical, biological and nuclear weapons. Convention offences as referred to in this section are set out in Schedule 1 to the Act.

#### **Subsections (1) and (2)**

53. These subsections create a new offence of giving or receiving training in certain skills, as defined in subsection (3). **Subsection (1)** provides that in respect of giving training, an offence is committed if the person giving it knows that the person receiving training intends to use the skills he acquires for, or in connection with, the commission or preparation of acts of terrorism or Convention offences, or assisting others in the commission or preparation of such acts or offences. **Subsection (2)** provides that in respect of receiving training an offence is committed if a person receives instruction in one of a number of skills listed in **subsection (3)** and, at the time of the training, he intends to use the skills acquired for, or in connection with, the commission or preparation of acts of terrorism or Convention offences, or assisting others in the commission or preparation of such acts or offences.

#### **Subsection (3)**

54. **Subsection (3)** defines the skills in which it is an offence to give or receive training under this section. The skills are split into three categories, the first is defined as the making, handling, or use of a hazardous or noxious substance. An example of this would be how to make a bomb to disperse a virus. The second is defined as the use of any method or technique for the doing of anything, other than things falling into the first category, that is capable of being done for the purposes of terrorism, or in connection with the commission or preparation of an act of terrorism or Convention offence, or with assisting the commission or preparation of such acts. An example of this would be a technique for causing a stampede in a crowd. The third is defined as the design or adaptation, for the purposes of terrorism, or in connection with the commission, preparation or instigation of an act of terrorism or Convention offence, of any method or technique for doing anything. An example of this third category would be giving instructions about the places where a bomb would cause maximum disruption.

**Subsection (4)**

55. **Subsection (4)** provides that for the purposes of this section it does not matter how many people training is provided to. It also sets out that the person receiving training need not intend to commit specific acts of terrorism or Convention offences, rather than such acts or offences in general, and that he does not need to be intending to provide assistance to a specific person, rather than persons whose identities are not yet known, in the commission of any such act or offence.

**Subsection (6)**

56. **Subsection (6)** provides a transitional provision in respect of the period before the commencement of section 154(1) of the Criminal Justice Act 2003. At the moment a Magistrates' Court can only give a penalty of up to six months' imprisonment. Once section 154(1) is in force this will increase to 12 months' imprisonment. Subsection (5), which sets out the penalties for the offence, is drafted as if section 154 is in force but as it is not in force a provision is needed to make it clear that, until such time as it is in force, the Magistrates' Court only has its existing powers to give a penalty of imprisonment.

**Subsection (7)**

57. **Subsection (7)** defines "noxious substance", and "substance", for the purpose of the offence of terrorist training. The definition of noxious substance includes the definition of dangerous substance in Part 7 of the ATCSA. The definition of dangerous substance is included in section 58 of that Act. Section 58 gives effect to Schedule 5 of the ATCSA, which lists a number of pathogens and toxins. A dangerous substance means anything which consists of or includes a substance listed in Schedule 5 or anything which is infected or otherwise carries any such substance.