

COUNTER-TERRORISM ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

13. Most of the Act extends to the whole of the United Kingdom, although provisions amending or repealing other enactments have the same extent as the enactment being amended or repealed. In addition, a number of provisions apply in only one of the three jurisdictions. The provisions of the Act with a more limited territorial extent or application are as follows:
- In Part 1, in the sections on taking and using fingerprints and samples from controlled persons, section 10 amends the Police and Criminal Evidence Act 1984 (“PACE”) and therefore extends only to England and Wales, section 11 only applies to persons subject to control orders in Scotland and section 12 amends the Police and Criminal Evidence (Northern Ireland) Order 1989 (“PACE NI”) and therefore extends only to Northern Ireland.
 - In the provisions in Part 1 on the retention and use of fingerprints and samples, section 14 amends PACE and extends only to England and Wales and section 15 amends PACE NI and extends only to Northern Ireland.
 - In Part 2, in the sections on post-charge questioning, section 22 applies only in England and Wales, section 23 in Scotland and section 24 in Northern Ireland.
 - In Part 3, section 30 (sentences for offences with a terrorist connection: England and Wales) applies to court proceedings in England and Wales and section 31 applies to court proceedings in Scotland. There is no corresponding provision for Northern Ireland.
 - In Part 7, there are separate sections applicable in England and Wales and in Scotland on the recovery of costs of policing at gas facilities (sections 85 and 86).
 - Section 91 (appointment of special advocates in Northern Ireland) substitutes references to the “Advocate General for Northern Ireland” for references to the “Attorney General for Northern Ireland” in various pieces of legislation; the primary application of this section will therefore be in Northern Ireland.
14. The Act only deals with reserved matters as respects Scotland and excepted matters as respect Northern Ireland. It does not confer any functions on the National Assembly for Wales, and in general applies to Wales in the same way as it applies to England.