

COUNTER-TERRORISM ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Notification Requirements

Offences to which this Part applies: terrorism offences

Section 42 – Offences to which this Part applies: offences having a terrorist connection

115. This Part of the Act also applies to offences under the general law set out in Schedule 2 which have a terrorist connection (as defined in section 93).
116. *Subsection (1)* provides that the notification provisions apply when a court in England and Wales or in Scotland has determined that an offence has a terrorist connection in accordance with section 30 or 31 (sentences for offences with a terrorist connection). Since the Act does not contain corresponding provision for Northern Ireland on aggravated sentencing for offences with a terrorist connection, the notification provisions will apply in Northern Ireland only to terrorism offences falling within section 41.
117. *Subsection (2)* provides a right of appeal against a determination by a court in England and Wales that the offence has a terrorist connection. Such an appeal may also be made by way of the usual right of appeal against sentence, but this provision is to enable a person to appeal against the determination alone.
118. *Subsection (3)* provides that if such an appeal is successful, the notification requirements are treated as never having applied. This means that any breach of the requirements before the successful appeal would not be prosecuted.
119. *Subsection (4)* provides that where an offence is removed from the list of offences in Schedule 2 by way of order, the notification requirements will cease to apply to a person subject to them by virtue only of a conviction for that offence, with effect from the date the order comes into force.