



# Counter-Terrorism and Sentencing Act 2021

## 2021 CHAPTER 11

### PART 1

#### SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

##### *Extended sentences*

#### **15 Additional offences attracting extended sentence: England and Wales**

- (1) Part 1 of Schedule 18 to the Sentencing Code (specified violent offences attracting extended sentence) is amended as follows.
- (2) In paragraph 5 (offences under the Explosive Substances Act 1883), at the end insert—
  - “(d) section 5 (punishment of accessories to offences of causing or attempting to cause explosions or making or possessing explosives) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”
- (3) After paragraph 11 insert—

#### **11A “Biological Weapons Act 1974**

An offence under section 1 of the Biological Weapons Act 1974 (developing certain biological agents and toxins or biological weapons) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (4) In paragraph 13 (offences under the Aviation Security Act 1982), at the end insert—
  - “(e) section 6(2) (inducing or assisting the commission of offences relating to safety of aircraft) in a case where the offender is convicted

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

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on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

(5) After paragraph 13 insert—

**13A “Nuclear Material (Offences) Act 1983**

An offence under either of the following provisions of the Nuclear Material (Offences) Act 1983 in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force—

- (a) section 1B (offences relating to damage to the environment);
- (b) section 2 (preparatory acts and threats).”

(6) In paragraph 19 (offences under the Aviation and Maritime Security Act 1990), at the end insert—

- “(g) section 14(4) (inducing or assisting the commission of offences relating to hijacking of ships, or destroying ships or fixed platforms or endangering their safety) in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

(7) After paragraph 20 insert—

**20A “Chemical Weapons Act 1996**

An offence under either of the following provisions of the Chemical Weapons Act 1996 in a case where the offender is convicted on or after the day on which section 15 of the Counter-Terrorism and Sentencing Act 2021 comes into force—

- (a) section 2 (use etc of chemical weapons);
- (b) section 11 (premises or equipment used for producing chemical weapons).”

**Commencement Information**

**II** [S. 15](#) in force at 29.6.2021 for specified purposes and otherwise prosp. see [s. 50\(2\)\(h\)\(3\)\(c\)](#)

**16 Increase in extension period for serious terrorism offenders aged under 18: England and Wales**

(1) Section 256(4) of the Sentencing Code (limits on extension period in term of extended sentence of detention) is amended as follows.

(2) In paragraph (b)—

- (a) in sub-paragraph (i), at the end insert “ (unless sub-paragraph (iii) applies) ”;
- (b) in sub-paragraph (ii), at the end insert “ (unless sub-paragraph (iii) applies) ”;
- (c) after sub-paragraph (ii) insert—

“(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day

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on which section 16 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (3) In the words after paragraph (b), for “and “specified terrorism offence”” substitute “, “specified terrorism offence” and “serious terrorism offence””.

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**Commencement Information**

**I2** S. 16 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(i)(3)(d)

**17 Increase in extension period for adult serious terrorism offenders aged under 21: England and Wales**

- (1) Section 268(4) of the Sentencing Code (limits on extension period in term of extended sentence of detention in a young offender institution) is amended as follows.

(2) In paragraph (b)—

- (a) in sub-paragraph (i), at the end insert “ (unless sub-paragraph (iii) applies); ”;  
(b) in sub-paragraph (ii), at the end insert “ (unless sub-paragraph (iii) applies); ”;  
(c) after sub-paragraph (ii) insert—

“(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 17 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (3) In the words after paragraph (b), for “and “specified terrorism offence”” substitute “, “specified terrorism offence” and “serious terrorism offence””.

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**Commencement Information**

**I3** S. 17 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(j)(3)(e)

**18 Increase in extension period for serious terrorism offenders aged 21 or over: England and Wales**

- (1) Section 281(4) of the Sentencing Code (limits on extension period in term of extended sentence of imprisonment) is amended as follows.

(2) In paragraph (b)—

- (a) in sub-paragraph (i), at the end insert “ (unless sub-paragraph (iii) applies); ”;  
(b) in sub-paragraph (ii), at the end insert “ (unless sub-paragraph (iii) applies); ”;  
(c) after sub-paragraph (ii) insert—

“(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 18 of the Counter-Terrorism and Sentencing Act 2021 comes into force.”

- (3) In the words after paragraph (b), for “and “specified terrorism offence”” substitute “, “specified terrorism offence” and “serious terrorism offence””.

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**Commencement Information**

**I4** S. 18 in force at 29.6.2021 for specified purposes and otherwise prosp. see s. 50(2)(j)(3)(e)

**19 Additional terrorism offences attracting extended sentence: Scotland**

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 210A(10) (extended sentences for terrorist offenders etc: interpretation), for the definition of “terrorism offence” substitute—
  - ““terrorism offence” means an offence that—
  - (a) is specified in Part 1 of Schedule 5ZC, or
  - (b) is specified in Part 2 of that Schedule and has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008;”.
- (3) After Schedule 5ZB to that Act (inserted by section 23) insert, as Schedule 5ZC, the Schedule set out in Schedule 5 to this Act.

**20 Extended custodial sentences for serious terrorism offenders: Northern Ireland**

- (1) Article 14 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (extended custodial sentences) is amended as follows.
- (2) In paragraph (1)—
  - (a) in sub-paragraph (a), for the words from “convicted” to the end (including the final “and”) substitute “—
    - (i) convicted on indictment of a specified offence; or
    - (ii) convicted after the commencement of section 20 of the Counter-Terrorism and Sentencing Act 2021 of any other offence that is a serious terrorism offence;”;
  - (b) after sub-paragraph (a) insert—
    - “(aa) the offence was committed after the commencement of this Article; and”.
- (3) In paragraph (8)—
  - (a) in sub-paragraph (a), for “; and” substitute “ (unless sub-paragraph (c) applies); ”;
  - (b) in sub-paragraph (b), at the end insert “ (unless sub-paragraph (c) applies); and ”;
  - (c) after sub-paragraph (b) insert—
    - “(c) ten years in the case of a serious terrorism offence for which the offender is convicted after the commencement of section 20 of the Counter-Terrorism and Sentencing Act 2021.”

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Cross Heading: Extended sentences.