



# 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—

##### *“Biological Weapons Act 1974*

- 11A 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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*Status: This is the original version (as it was originally enacted).*

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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—

*“Nuclear Material (Offences) Act 1983*

13A 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—

*“Chemical Weapons Act 1996*

20A 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).”

## **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 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””.

**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””.

**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””.

**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.”