



# Counter-Terrorism and Sentencing Act 2021

## 2021 CHAPTER 11

### PART 1

#### SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

##### *Offences to be sentenced as terrorist offences*

#### **1 Offences aggravated by terrorist connection**

- (1) The Sentencing Code is amended as set out in subsections (2) and (3).
- (2) In section 69 (offences aggravated by terrorist connection)—
  - (a) in subsection (1), for the words from “specified” to the end substitute “within subsection (4) or (5)”;
  - (b) after subsection (3) insert—
    - “(4) An offence is within this subsection if it—
      - (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
      - (b) is punishable on indictment with imprisonment for more than 2 years, and
      - (c) is not specified in Schedule A1.
    - (5) An offence is within this subsection if it—
      - (a) was committed before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
      - (b) is specified in Schedule 1.
- (6) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days,

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it must be taken for the purposes of subsections (4) and (5) to have been committed on the last of those days.”

(3) Before Schedule 1 insert, as Schedule A1, the Schedule set out in Part 1 of Schedule 1 to this Act.

(4) The Counter-Terrorism Act 2008 is amended as follows.

(5) In section 30 (offences aggravated by terrorist connection: Northern Ireland)—

- (a) in subsection (1), for the words from “specified” to the end substitute “within subsection (5A) or (5B)”;
- (b) after subsection (5) insert—

“(5A) An offence is within this subsection if it—

- (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
- (b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and
- (c) is not specified in Schedule 1A.

(5B) An offence is within this subsection if it—

- (a) was committed—
  - (i) on or after 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which extended this section to Northern Ireland, came into force), but
  - (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
- (b) is specified in Schedule 2.

(5C) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (5A) and (5B) to have been committed on the last of those days.”;

(c) omit subsection (6).

(6) In section 31 (offences aggravated by terrorist connection: Scotland)—

- (a) in subsection (1), for the words from “specified” to “considered” substitute “within subsection (4A) or (4B)”;
- (b) after subsection (4) insert—

“(4A) An offence is within this subsection if it—

- (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,
- (b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and
- (c) is not specified in Schedule 1A.

(4B) An offence is within this subsection if it—

- (a) was committed—

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- (i) on or after the relevant date, but
      - (ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and
    - (b) is specified in Schedule 2.
  - (4C) The relevant date for the purposes of subsection (4B)(a)(i) is—
    - (a) 18 June 2009 (being the date on which this section came into force), in relation to any offence that is not mentioned in paragraph (b);
    - (b) 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which amended Schedule 2, came into force) in relation to any of the following offences under the law of Scotland—
      - (i) assault by explosive device;
      - (ii) assault to severe injury;
      - (iii) assault and poisoning;
      - (iv) poisoning.
  - (4D) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (4A) to (4C) to have been committed on the last of those days.”;
  - (c) omit subsection (5).
- (7) After Schedule 1 insert, as Schedule 1A, the Schedule set out in Part 2 of Schedule 1 to this Act.

## **2 Meaning of “serious terrorism offence”: England and Wales**

In the Sentencing Code—

- (a) in section 306 (extended sentences: meaning of “specified offence” etc), in subsection (2), after the definition of “serious harm” insert—
  - ““serious terrorism offence” means an offence that—
    - (a) is specified in Part 1 of Schedule 17A, or
    - (b) is specified in Part 2 of that Schedule and has been determined to have a terrorist connection under section 69;”;
- (b) after Schedule 17 insert, as Schedule 17A, the Schedule set out in Schedule 2 to this Act.

## **3 Offences relevant for provisions of this Act relating to Northern Ireland**

- (1) The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) is amended as follows.
- (2) In Article 12 (interpretation of Chapter 3 of Part 2 (dangerous offenders and other terrorist offenders))—
  - (a) in paragraph (3), before the definition of “life sentence” insert—
    - ““determination of terrorist connection”, in relation to an offence, means a determination by the court that the offence has a terrorist connection under section 30 of the Counter-Terrorism Act 2008;”;

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(b) after paragraph (5) insert—

“(6) Schedule 2A specifies certain terrorism offences, and other offences which may be determined to have a terrorist connection, for the purposes of various provisions of this Chapter and Chapter 4, and makes related provision.

(7) In this Chapter “serious terrorism offence” means—

- (a) an offence within Part 2 of Schedule 2A (terrorism offences punishable with life imprisonment); or
- (b) an offence within Part 3 of that Schedule (offences with possible terrorist connection punishable with life imprisonment) in respect of which a determination of terrorist connection is made.”

(3) After Schedule 2 insert, as Schedule 2A, the Schedule set out in Schedule 3 to this Act.