

## SCHEDULES

### SCHEDULE 10

Section 28

#### OFFENCES CARRYING RESTRICTED ELIGIBILITY OF TERRORIST PRISONERS FOR RELEASE ON LICENCE: SCOTLAND

This is the Schedule to be substituted for Schedule 1A to the Prisoners and Criminal Proceedings (Scotland) Act 1993—

#### “SCHEDULE 1A

Section 1AB

#### OFFENCES CARRYING RESTRICTED ELIGIBILITY OF TERRORIST PRISONERS FOR RELEASE ON LICENCE

### PART 1

#### TERRORISM OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE

- 1 An offence under any of the following provisions of the Terrorism Act 2000—
  - (a) section 54 (weapons training);
  - (b) section 56 (directing a terrorist organisation);
  - (c) section 59 (inciting terrorism overseas: England and Wales), other than an offence which is an offence by virtue of subsection (2)(c) of that section;
  - (d) section 60 (inciting terrorism overseas: Northern Ireland), other than an offence which is an offence by virtue of subsection (2)(c) of that section;
  - (e) section 61 (inciting terrorism overseas: Scotland).
- 2 An offence under any of the following provisions of the Terrorism Act 2006—
  - (a) section 5 (preparation of terrorist acts);
  - (b) section 6 (training for terrorism);
  - (c) section 9 (making or possession of radioactive device or material);
  - (d) section 10 (misuse of radioactive device or material for terrorist purposes etc);
  - (e) section 11 (terrorist threats relating to radioactive devices etc).
- 3 (1) An attempt to commit an offence specified in a preceding paragraph of this Part of this Schedule (“a listed offence”).
  - (2) Conspiracy to commit a listed offence.
  - (3) Incitement to commit a listed offence.
  - (4) Aiding, abetting, counselling or procuring the commission of a listed offence.
  - (5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed.
- 4 An offence that—

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, SCHEDULE 10. (See end of Document for details)*

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- (a) was abolished before the coming into force of this Schedule, and
- (b) if committed on the day on which this Schedule came into force, would have constituted an offence specified in any of the preceding paragraphs of this Part of this Schedule.

## PART 2

### TERRORISM OFFENCES PUNISHABLE WITH IMPRISONMENT FOR MORE THAN TWO YEARS (BUT NOT LIFE)

- 5 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 11 (membership of a proscribed organisation);
  - (b) section 12 (inviting or expressing support for a proscribed organisation);
  - (c) section 15 (fund-raising);
  - (d) section 16 (use of money or property for terrorist purposes);
  - (e) section 17 (involvement in terrorist funding arrangements);
  - (f) section 17A (insuring payments made in response to terrorist threats);
  - (g) section 18 (laundering of terrorist property);
  - (h) section 19 (failure to disclose professional belief or suspicion about terrorist offences);
  - (i) section 21A (failure in regulated sectors to disclose knowledge or suspicion about terrorist offences);
  - (j) section 38B (failure to disclose information about acts of terrorism);
  - (k) section 39 (disclosure of information prejudicial to a terrorist investigation etc);
  - (l) section 57 (possession of article for terrorist purposes);
  - (m) section 58 (collection of information likely to be of use to a terrorist);
  - (n) section 58A (publishing information about members of the armed forces etc);
  - (o) section 58B (entering or remaining in a designated area);
  - (p) section 59 (inciting terrorism overseas: England and Wales), in the case of an offence which is an offence by virtue of the reference in subsection (2)(c) of that section to an offence under section 23 of the Offences against the Person Act 1861;
  - (q) section 60 (inciting terrorism overseas: Northern Ireland), in the case of an offence which is an offence by virtue of the reference in subsection (2)(c) of that section to an offence under section 23 of the Offences against the Person Act 1861.
- 6 An offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (use of noxious substances to harm or intimidate).
- 7 An offence under any of the following provisions of the Terrorism Act 2006—
- (a) section 1 (encouragement of terrorism);
  - (b) section 2 (dissemination of terrorist publications);
  - (c) section 8 (attendance at a place used for terrorist training).
- 8 An offence under section 54 of the Counter-Terrorism Act 2008 (breach of police notification requirements etc).
- 9 An offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (breach of notices imposing terrorism prevention and investigation measures).

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- 10 An offence under section 10 of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order).
- 11 (1) An attempt to commit an offence specified in a preceding paragraph of this Part of this Schedule (“a listed offence”).
- (2) Conspiracy to commit a listed offence.
- (3) Incitement to commit a listed offence.
- (4) Aiding, abetting, counselling or procuring the commission of a listed offence.
- (5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed.
- 12 An offence that—
- (a) was abolished before the coming into force of this Schedule, and
- (b) if committed on the day on which this Schedule came into force, would have constituted an offence specified in any of the preceding paragraphs of this Part of this Schedule.

### PART 3

#### OTHER OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE

- 13 Culpable homicide.
- 14 Manslaughter (under the law of England and Wales or Northern Ireland).
- 15 Abduction.
- 16 Assault by explosive device.
- 17 Assault to severe injury.
- 18 Assault and poisoning.
- 19 Poisoning.
- 20 Robbery.
- 21 Assault with intent to rob.
- 22 Wilful fire-raising.
- 23 Malicious mischief.
- 24 Kidnapping (under the law of England and Wales or Northern Ireland).
- 25 False imprisonment (under the law of England and Wales or Northern Ireland).
- 26 Riot (under the law of Northern Ireland).
- 27 Affray (under the law of Northern Ireland).
- 28 An offence under any of the following provisions of the Offences against the Person Act 1861—
- (a) section 4 (soliciting murder);
- (b) section 18 (wounding with intent to cause grievous bodily harm);

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- (c) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in the committing of an indictable offence);
  - (d) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
  - (e) section 28 (causing bodily injury by explosives);
  - (f) section 29 (using explosives etc with intent to do grievous bodily harm);
  - (g) section 32 (endangering the safety of railway passengers).
- 29 An offence under any of the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or property);
  - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
  - (c) section 4 (making or possession of explosive under suspicious circumstances);
  - (d) section 5 (punishment of accessories to offences of causing or attempting to cause explosions or making or possessing explosives).
- 30 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).
- 31 An offence under section 1 of the Infanticide Act 1938 (infanticide).
- 32 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5 (N.I.)) (infanticide).
- 33 An offence under section 25 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) (child destruction).
- 34 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 16 (possession of firearm with intent to endanger life);
  - (b) section 17(1) (use of firearm to resist arrest);
  - (c) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
  - (d) section 18 (carrying a firearm with criminal intent).
- 35 An offence under either of the following provisions of the Theft Act 1968—
- (a) section 8 (robbery or assault with intent to rob);
  - (b) section 10 (aggravated burglary).
- 36 An offence under either of the following provisions of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))—
- (a) section 8 (robbery);
  - (b) section 10 (aggravated burglary).
- 37 (1) An offence of arson under section 1 of the Criminal Damage Act 1971.
- (2) An offence under section 1(2) of that Act (destruction or damage of property with intent or recklessness as to endangerment of life) other than an offence of arson.
- 38 An offence under section 1 of the Biological Weapons Act 1974 (developing certain biological agents and toxins or biological weapons).
- 39 (1) An offence of arson under Article 3 of the Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)).

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- (2) An offence under Article 3(2) of that Order (destruction or damage of property with intent or recklessness as to endangerment of life) other than an offence of arson.
- 40 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).
- 41 An offence under any of the following provisions of the Aviation Security Act 1982—
- (a) section 1 (hijacking);
  - (b) section 2 (destroying, damaging or endangering safety of aircraft);
  - (c) section 3 (other acts endangering or likely to endanger safety of aircraft);
  - (d) section 6(2) (inducing or assisting the commission of offences relating to safety of aircraft).
- 42 An offence under either of the following provisions of the Nuclear Material (Offences) Act 1983—
- (a) section 1B (offences relating to damage to the environment);
  - (b) section 2 (preparatory acts and threats).
- 43 An offence under section 134 of the Criminal Justice Act 1988 (torture).
- 44 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
- (a) section 1 (endangering safety at aerodromes);
  - (b) section 9 (hijacking of ships);
  - (c) section 10 (seizing or exercising control of fixed platforms);
  - (d) section 11 (destroying ships or fixed platforms or endangering their safety);
  - (e) section 12 (other acts endangering or likely to endanger safe navigation);
  - (f) section 13 (offences involving threats);
  - (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).
- 45 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- 46 An offence under either of the following provisions of the Chemical Weapons Act 1996—
- (a) section 2 (use etc of chemical weapons);
  - (b) section 11 (premises or equipment used for producing chemical weapons).
- 47 An offence under any of the following provisions of the International Criminal Court Act 2001, other than an offence involving murder—
- (a) section 51 (genocide, crimes against humanity and war crimes: England and Wales);
  - (b) section 52 (conduct ancillary to genocide etc: England and Wales);
  - (c) section 58 (genocide, crimes against humanity and war crimes: Northern Ireland);
  - (d) section 59 (conduct ancillary to genocide etc: Northern Ireland).
- 48 An offence under either of the following provisions of the Anti-Terrorism, Crime and Security Act 2001—
- (a) section 47 (use etc of nuclear weapons);
  - (b) section 50 (assisting or inducing certain weapons-related acts overseas).

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- 49 An offence under section 1 or 2 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- 50 An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))—
- (a) Article 58(1) (possession of firearm with intent to endanger life etc);
  - (b) Article 59(1) (use of firearm to resist arrest);
  - (c) Article 59(2) (possession of firearm while committing other offence);
  - (d) Article 60 (carrying a firearm with criminal intent).
- 51 An offence under either of the following provisions of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
  - (b) section 2 (human trafficking).
- 52 An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)—
- (a) section 1 (human trafficking);
  - (b) section 4 (slavery, servitude and forced or compulsory labour).
- 53 An offence under either of the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
  - (b) section 2 (human trafficking).
- 54 An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
  - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
  - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
  - (d) paragraph 4 (endangering safety at spaceports).
- 55 (1) An attempt to commit an offence specified in a preceding paragraph of this Part of this Schedule (“a listed offence”).
- (2) Conspiracy to commit a listed offence.
  - (3) Incitement to commit a listed offence.
  - (4) Aiding, abetting, counselling or procuring the commission of a listed offence.
  - (5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed.
- 56 (1) An attempt to commit murder.
- (2) Conspiracy to commit murder.
  - (3) Incitement to commit murder.
  - (4) Aiding, abetting, counselling or procuring murder.
  - (5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which murder is the offence (or one of the offences) which the person intended or believed would be committed.

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- 57 An offence that—
- (a) was abolished before the coming into force of this Schedule, and
  - (b) if committed on the day on which this Schedule came into force, would have constituted an offence specified in any of the preceding paragraphs of this Part of this Schedule.”

**Changes to legislation:**

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