
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Cross Heading: Sentencing Act 2020 (c. 17). (See end of Document for details)

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 2

SERIOUS TERRORISM SENTENCE: ENGLAND AND WALES

Sentencing Act 2020 (c. 17)

- 11 (1) The Sentencing Act 2020 is amended as follows.
- (2) In section 15 (committal for sentence of dangerous adult offenders)—
- (a) after subsection (1) insert—
- “(1A) This section also applies where—
- (a) on the summary trial of an offence specified in Schedule 17A triable either way a person is convicted of the offence, and
- (b) the court is of the opinion that the circumstances are such that a serious terrorism sentence (see section 268A or 282A) may be required to be imposed.”;
- (b) in subsection (6), for “a specified offence” substitute “an offence”.
- (3) In section 59(2) (provisions to which duty to follow sentencing guidelines is subject), after paragraph (g) insert—
- “(ga) sections 268B and 282B (requirement to impose serious terrorism sentence);”.
- (4) In section 61 (sentencing guidelines: extended sentences and life sentences)—
- (a) in the heading, after “extended sentences” insert “ , serious terrorism sentences ”;
- (b) after subsection (2) insert—
- “Serious terrorism sentence: determination of appropriate custodial term
- (2A) Subsection (2B) applies where a court is required to impose a serious terrorism sentence for an offence.
- (2B) In determining the appropriate custodial term for the purposes of section 268C(2)(b) or 282C(2)(b) (serious terrorism sentences: appropriate custodial term exceeding 14-year minimum), section 60 applies to the court as it applies to a court in determining the sentence for an offence.”

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- (5) In section 120(2)(a) (exceptions to the general power to fine offender convicted on indictment), after sub-paragraph (ii) (but before the final “or”) insert—
“*(ia) paragraph (ba) (serious terrorism sentences),”*.”
- (6) In section 166(5) (periods of extension of driving disqualification order where custodial sentence imposed)—
(a) after entry 4 in the table insert—
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| “4A | a serious terrorism sentence of the term imposed pursuant to detention in a young offender institution | section 268C(2) (the appropriate custodial term)”; |
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- (b) after entry 6 in the table insert—
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| “6A | a serious terrorism sentence of the term imposed pursuant to imprisonment | section 282C(2) (the appropriate custodial term)”. |
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- (7) In section 221 (overview of Part 10)—
(a) in subsection (3)(a)—
(i) omit the “and” at the end of sub-paragraph (ii);
(ii) at the end of sub-paragraph (iii) insert “and
(iv) serious terrorism sentences,”;
(b) in subsection (4), after paragraph (c) (but before the final “and”) insert—
“*(ca) serious terrorism sentences,*”.
- (8) In section 231 (length of discretionary custodial sentences: general)—
(a) in the italic heading before subsection (3), for “mandatory sentences and extended sentences” substitute “*certain sentences*”;
(b) after subsection (6) insert—
“*(6A) Subsection (2) does not apply where the custodial sentence is a serious terrorism sentence, except as provided in sections 268C(2) (b) and 282C(2)(b) (determination of appropriate custodial period where longer than the 14-year minimum).*”
- (9) In section 262(3) (circumstances in which detention in young offender institution required), after “mentioned in” insert “—
(a) section 399(ba) (serious terrorism sentences);
(b)”.
- (10) In section 263 (term of detention in a young offender institution), in subsection (4), at the end insert—
“*(c) section 268B (serious terrorism sentence).*”
- (11) In section 265(1) (circumstances in which special custodial sentence for certain young adult offenders of particular concern is required), in paragraph (c)—
(a) in the words before sub-paragraph (i), for “either” substitute “*any*”;
(b) after sub-paragraph (i) (but before the final “or”) insert—
“*(ia) a serious terrorism sentence under section 268A,*”.

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- (12) In section 267(1) (availability of extended sentence of detention), after paragraph (d) (but before the final “and”) insert—
- “(da) the court is not required by section 268B to impose a serious terrorism sentence for the offence or for an offence associated with it.”.
- (13) In section 278 (special custodial sentence for offenders of particular concern), in subsection (1)(c)—
- (a) in the words before sub-paragraph (i), for “either” substitute “ any ”;
- (b) after sub-paragraph (i) (but before the final “or”) insert—
- “(ia) a serious terrorism sentence under section 282A.”.
- (14) In section 280(1) (availability of extended sentence of imprisonment), after paragraph (d) (but before the final “and”) insert—
- “(da) the court is not required by section 282B to impose a serious terrorism sentence for the offence or for an offence associated with it.”.
- (15) In section 308 (assessment of dangerous), in subsection (1), after paragraph (a) insert—
- “(aa) section 268B or 282B (serious terrorism sentence);”.
- (16) In section 329 (conversion of sentence of detention to sentence of imprisonment)—
- (a) in subsection (3) (as amended by Part 4 of this Schedule), for “(5)” substitute “ (5A) ”;
- (b) after subsection (5) insert—
- “(5A) If the relevant custodial sentence is a serious terrorism sentence of detention in a young offender institution, the offender is to be treated as if sentenced to a serious terrorism sentence of imprisonment under section 282A.”;
- (c) in subsection (7), after paragraph (e) insert—
- “(ea) a serious terrorism sentence of detention in a young offender institution (see section 268A);”.
- (17) In section 397(1) (interpretation), after the definition of “sentencing guidelines” insert—
- ““serious terrorism sentence” means a sentence under—
- (a) section 268A (serious terrorism sentence of detention in young offender institution for adults aged under 21), or
- (b) section 282A (serious terrorism sentence of imprisonment);”.
- (18) In section 399 (mandatory sentences), after paragraph (b) (but before the final “or”) insert—
- “(ba) the court is obliged by section 268B or 282B to impose a serious terrorism sentence.”.
- (19) In section 417(3) (commencement of provisions of Schedule 22 which relate to prospective abolition of sentences of detention in a young offender institution)—
- (a) in paragraph (a), for “38” substitute “ 38B ”;
- (b) in paragraph (d), for “268” substitute “ 268C ”;

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- (c) in paragraph (f), after “paragraphs” insert “ 68A, ”.
- (20) In Schedule 22 (amendments of the Sentencing Code, including in relation to the prospective abolition of sentences of detention in a young offender institution)—
- (a) for paragraph 36 substitute—
- “36 In section 15 (committal for sentence of dangerous adult offenders)
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- (a) in subsection (1)(b), omit—
- (i) “of detention in a young offender institution or”;
- (ii) “266 or”;
- (b) in subsection (1A), omit “268A or”.”;
- (b) in paragraph 37 (amendments of section 59 of the Code)—
- (i) for “59(2)(h)” substitute “ 59(2) ”;
- (ii) after “court” insert “—
- (a) in paragraph (ga), for “sections 268B and” substitute “ section ”;
- (b) in paragraph (h),”;
- (c) in paragraph 38 (amendments of section 61 of the Code), after subparagraph (a) insert—
- “(aa) in subsection (2B), omit “268C(2)(b) or”.”;
- (d) after paragraph 38 insert—
- “38A In section 73(2A) (reduction in serious terrorism sentence for guilty plea), omit “268C(2) or, as the case may be,”.
- 38B In section 74(4A) (reduction in serious terrorism sentence for assistance to prosecution), omit “268C(2) or”.”;
- (e) in paragraph 40 (amendments of section 166 of the Code), for “paragraphs 3 and 4” substitute “ entries 3, 4 and 4A ”;
- (f) in paragraph 46 (amendments of section 231 of the Code), at the end insert—
- “(d) in subsection (6A), for “sections 268C(2)(b) and” substitute “ section ”.”;
- (g) after paragraph 57 insert—
- “57A In section 282A (serious terrorism sentence of imprisonment: persons 21 or over), in the heading omit “: persons 21 or over”.
- 57B In section 282B (serious terrorism sentence of imprisonment: circumstances in which required), omit subsection (1)(c).”;
- (h) in paragraph 62 (amendments of section 308(1) of the Code), after paragraph (a) insert—
- “(aa) in paragraph (aa), omit “268B or”.”;
- (i) after paragraph 68 insert—
- “68A In section 323 (minimum term order: other life sentences)—
- (a) in subsection (4), omit “268B(2) or” in both places;
- (b) in subsection (6)(b), omit “268B(2) or”.”;
- (j) in paragraph 70 (amendments of section 329 of the Code)—
- (i) after the opening words insert—
- “(za) in subsection (3), for “(4) to (5A)” substitute “ (4), (4A) and (5) ”.”;

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- (ii) after paragraph (a) insert—
 - “(aa) omit subsection (5A).”;
- (iii) in paragraph (b), after “(e)” insert “, (ea) ”;
- (k) in paragraph 72 (amendments of section 397(1) of the Code)—
 - (i) the words from “in the definition” to the end become sub-paragraph (a);
 - (ii) at the end insert—
 - “(b) in the definition of “serious terrorism sentence”, omit paragraph (a) (including the word “or” immediately after that paragraph).”;
- (l) for paragraph 73 (amendments of section 399 of the Code) substitute—

“73 In section 399 (mandatory sentences)—

 - (a) in paragraph (b)—
 - (i) in the opening words, omit “, custody for life”;
 - (ii) in sub-paragraph (i), omit “, 274”;
 - (iii) in sub-paragraph (ii), omit “273 or”;
 - (b) in paragraph (ba), omit “268B or”.
- (m) before paragraph 80 (amendment of Schedule 18 to the Code) insert—

“79A In Schedule 17A (serious terrorism offences), after paragraph 24 insert—

“Space Industry Act 2018

- 24A 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).”
- (n) in paragraph 101 (amendment of section 37 of the Mental Health Act 1983)
—
 - (i) in sub-paragraph (1), omit “, as amended by paragraph 73 of Schedule 24”;
 - (ii) in sub-paragraph (2), for “273” substitute “ 268A, 273 ”;
 - (iii) in sub-paragraph (3), after “(1B)” insert “—
 - (a) in paragraph (aa), omit “section 268A or” and “282B(2) or”;
 - (b)”.

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