

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 2

SERIOUS TERRORISM SENTENCE: ENGLAND AND WALES

Criminal Justice Act 1982 (c. 48)

- 7 In section 32 of the Criminal Justice Act 1982 (early release of prisoners to make the best use of the places available for detention, subject to certain exceptions)—
- (a) in subsection (1)(a), after “protection” insert “, a serious terrorism sentence”;
 - (b) in subsection (1A), after paragraph (c) insert—
 - “(ca) references to a serious terrorism sentence are to a sentence under section 268A or 282A of the Sentencing Code;”.

Mental Health Act 1983 (c. 20)

- 8 In section 37 of the Mental Health Act 1983 (power of courts to order hospital admission etc)—
- (a) in subsection (1A), for “273, 274” substitute “268A, 273, 274, 282A”;
 - (b) in subsection (1B), after paragraph (a) insert—
 - “(aa) a sentence falls to be imposed under section 268A or 282A of that Code if it is required by section 268B(2) or 282B(2) of that Code and the court is not of the opinion there mentioned;”.

Criminal Justice Act 2003 (c. 44)

- 9 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 237 (meaning of “fixed-term prisoner”)—
- (a) in subsection (1)(b), for “266, 278 or 279” substitute “266 or 268A”;
 - (b) in subsection (3), for “or 266” substitute “, 266 or 268A”.
- (3) In section 240ZA (time remanded in custody to count as time served), in subsection (11), for “or 266” substitute “, 266 or 268A”.
- (4) In section 247A (restricted eligibility for early release for terrorist prisoners)—
- (a) in subsection (6), for “278 or 279” substitute “268A, 278, 279 or 282A”;
 - (b) in subsection (8), in the definition of “the appropriate custodial term”, for “278 or 279” substitute “268A, 278, 279 or 282A”.

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- (5) In section 250 (licence conditions), in subsection (4)—
 - (a) for “or 279” substitute “, 279 or 282A”;
 - (b) for “or 266” substitute “, 266 or 268A”.
- (6) In section 255A (further release after recall)—
 - (a) in subsection (2), after “extended sentence prisoner” insert “or a serious terrorism prisoner”;
 - (b) after subsection (7) insert—
 - “(7A) A “serious terrorism prisoner” is a prisoner serving a serious terrorism sentence imposed under section 268A or 282A of the Sentencing Code.”
- (7) In section 255C (extended sentence prisoners and those not suitable for automatic release)—
 - (a) for the heading, substitute “Prisoners not suitable for automatic release”;
 - (b) in subsection (1)(a), after “prisoner” insert “or a serious terrorism prisoner (see section 255A(7) and (7A))”.
- (8) In section 258 (early release for fine defaulters etc), in subsection (3A), for “or 266” substitute “, 266 or 268A”.
- (9) In section 263 (concurrent terms) in subsection (4), for “or 266” substitute “, 266 or 268A”.
- (10) In section 264(7) (application of provisions about consecutive sentences of imprisonment to sentences of detention), for “or 266” substitute “, 266 or 268A”.

Offender Management Act 2007 (c. 21)

- 10 In section 28(3) of the Offender Management Act 2007 (custodial sentences where polygraph condition may be imposed on release on licence), in paragraph (a), after “279” insert “or 282A”.

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—

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“(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.”

- (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—

“4A	a serious terrorism sentence of detention in a young offender institution	the term imposed pursuant to section 268C(2) (the appropriate custodial term)”;
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- (b) after entry 6 in the table insert—

“6A	a serious terrorism sentence of imprisonment	the term imposed pursuant to 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)

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- (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.”.
- (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);”.

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- (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”;
- (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)—
- (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—

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- “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)”.”;
- (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);

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- (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)”.