

SCHEDULES

SCHEDULE 6

Section 21

OFFENCES ATTRACTING SPECIAL CUSTODIAL SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN: ENGLAND AND WALES

This is the Schedule to be substituted for Schedule 13 to the Sentencing Code—

“SCHEDULE 13

Sections 252A, 265 and 278

SPECIAL SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN: OFFENCES

PART 1

OFFENCES INVOLVING OR CONNECTED WITH TERRORISM

Terrorism Act 2000

- 1 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 54 (weapons training);
 - (m) section 56 (directing terrorist organisation);
 - (n) section 57 (possession of article for terrorist purposes);
 - (o) section 58 (collection of information likely to be of use to a terrorist);
 - (p) section 58A (publishing information about members of the armed forces etc);
 - (q) section 58B (entering or remaining in a designated area);
 - (r) section 59 (inciting terrorism overseas).

Anti-terrorism, Crime and Security Act 2001

- 2 An offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (use of noxious substance or thing to cause harm or intimidate).

Terrorism Act 2006

- 3 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 5 (preparation of terrorist acts);
 - (d) section 6 (training for terrorism);
 - (e) section 8 (attendance at a place used for terrorist training);
 - (f) section 9 (making or possession of radioactive device or material);
 - (g) section 10 (misuse of radioactive device or material for terrorist purposes etc);
 - (h) section 11 (terrorist threats relating to radioactive devices etc).

Counter-Terrorism Act 2008

- 4 An offence under section 54 of the Counter-Terrorism Act 2008 (breach of police notification requirements etc).

Terrorism Prevention and Investigation Measures 2011

- 5 An offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (breach of notices imposing terrorism prevention and investigation measures).

Counter-Terrorism and Security Act 2015

- 6 An offence under section 10 of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order).

Inchoate offences

- 7 An inchoate offence in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

Abolished offences

- 8 (1) An abolished offence in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.
- (2) “Abolished offence”, in relation to an offence (“the current offence”), means an offence that—
- (a) was abolished before the relevant date, and
 - (b) would, if committed on the day on which the offender is or was convicted, have constituted the current offence.
- (3) The relevant date is 13 April 2015, unless sub-paragraph (4) or (5) applies.
- (4) If the current offence is within—

- (a) sub-paragraph (a), (b), (o), (p) or (q) of paragraph 1,
 - (b) sub-paragraph (a), (b) or (e) of paragraph 3, or
 - (c) paragraph 7 by virtue of any provision referred to in paragraph (a) or (b),
- the relevant date is 12 April 2019.

- (5) If the current offence is within—
- (a) sub-paragraphs (c) to (k) of paragraph 1,
 - (b) paragraph 4, 5 or 6, or
 - (c) paragraph 7 by virtue of any provision referred to in paragraph (a) or (b),
- the relevant date is the date on which section 21 of the Counter-Terrorism and Sentencing Act 2021 comes into force.

Offences connection with terrorism

- 9 An offence, other than one for which the sentence is fixed by law as life imprisonment, which is determined to have a terrorist connection under section 69.

PART 2

SEXUAL OFFENCES

Sexual Offences Act 2003

- 10 An offence under either of the following provisions of the Sexual Offences Act 2003—
- (a) section 5 (rape of a child under 13);
 - (b) section 6 (assault of a child under 13 by penetration).

Inchoate offences

- 11 An inchoate offence in relation to an offence specified paragraph 10.

Abolished offences

- 12 (1) An abolished offence in relation to an offence specified in either of the preceding paragraphs of this Part of this Schedule.
- (2) “Abolished offence”, in relation to an offence (“the current offence”), means an offence that—
- (a) was abolished before 13 April 2015, and
 - (b) would, if committed on the day on which the offender is or was convicted, have constituted the current offence.”