



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 1

SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

Serious terrorism sentences

4 Serious terrorism sentence for adults aged under 21: England and Wales

After section 268 of the Sentencing Code insert—

“Serious terrorism sentence

268A Serious terrorism sentence of detention in a young offender institution

A serious terrorism sentence of detention in a young offender institution is a sentence of detention in a young offender institution the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 268C), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

268B Serious terrorism sentence of detention in a young offender institution: circumstances in which required

- (1) Subsection (2) applies where a court is dealing with an offender for a serious terrorism offence (see section 306(2)) where—
 - (a) the offence was committed on or after the day on which section 4 of the Counter-Terrorism and Sentencing Act 2021 came into force,

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 4. (See end of Document for details)

- (b) the offender was aged 18 or over when the offence was committed,
 - (c) the offender is aged under 21 when convicted of the offence,
 - (d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences (see section 308),
 - (e) the court does not impose a sentence of custody for life, and
 - (f) the risk of multiple deaths condition is met.
- (2) The court must impose a serious terrorism sentence of detention in a young offender institution under section 268A unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
- (a) either—
 - (i) the serious terrorism offence, or
 - (ii) the combination of the offence and one or more offences associated with it,

was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000), and
 - (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) 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 subsection (1) to have been committed on the last of those days.
- (6) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

268C Term of serious terrorism sentence of detention in a young offender institution

- (1) This section applies where the court dealing with an offender is required by section 268B to impose a serious terrorism sentence of detention in a young offender institution under section 268A.
- (2) The appropriate custodial term is—
- (a) 14 years, or
 - (b) if longer, the term of detention in a young offender institution that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences) if the court did not impose a serious terrorism sentence (or an extended sentence or a sentence under section 265).
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 4. (See end of Document for details)

harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences.

This is subject to subsection (4).

- (4) The extension period must—
- (a) be at least 7 years, and
 - (b) not exceed 25 years.”

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 4.