



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 1

SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

Serious terrorism sentences

6 Serious terrorism sentence: Scotland

(1) After section 205 of the Criminal Procedure (Scotland) Act 1995 insert—

“205ZA Serious terrorism sentence

- (1) This section applies where—
- (a) a person is convicted on indictment of a serious terrorism offence,
 - (b) the offence was committed on or after the day on which section 6 of the Counter-Terrorism and Sentencing Act 2021 comes into force,
 - (c) the offender was aged 18 or over when the offence was committed,
 - (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 terrorism offences to which section 210A applies,
 - (e) the court does not impose a sentence of imprisonment for life or a sentence of detention for life in a young offenders institution,
 - (f) the court does not make an order for lifelong restriction, and
 - (g) the risk of multiple deaths condition is met.
- (2) Where the offender is 21 years of age or over, the court must impose a serious terrorism sentence of imprisonment unless the court is of the opinion that there are exceptional circumstances which—

Changes to legislation: *There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 6. (See end of Document for details)*

- (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) A serious terrorism sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (6) Where the offender is under 21 years of age, the court must impose a serious terrorism sentence of detention 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.
- (7) A serious terrorism sentence of detention is a sentence of detention in a young offenders institution the term of which is equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (8) The appropriate custodial term is—
 - (a) 14 years, or
 - (b) if longer, the term of imprisonment or, as the case may be, detention that would be imposed in respect of the offence if the court did not impose a serious terrorism sentence of imprisonment or, as the case may be, a serious terrorism sentence of detention (or a sentence under section 205ZC or an extended sentence under section 210A).
- (9) 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 harm occasioned by the commission by the offender of further serious terrorism offences or other terrorism offences to which section 210A applies (but subject to subsection (10)).
- (10) The extension period must—
 - (a) be at least 7 years, and

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- (b) not exceed 25 years.
- (11) Before forming an opinion for the purposes of subsection (1)(d), the court must—
 - (a) consider a report by a relevant officer of a local authority about the offender and the offender's circumstances, and
 - (b) if the court thinks it necessary, hear that officer.
- (12) In this section—
 - “local authority” and “relevant officer” have the meanings given by section 27 of the Prisoners and Criminal Proceedings (Scotland) Act 1993;
 - “serious terrorism offence” means an offence that—
 - (a) is specified in Part 1 of Schedule 5ZA, or
 - (b) is specified in Part 2 of that Schedule and has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008.”
- (2) After Schedule 5 to that Act insert, as Schedule 5ZA, the Schedule set out in Schedule 4 to this Act.

Changes to legislation:

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