



National Security Act 2023

2023 CHAPTER 32

PART 5

TERRORISM

Legal aid

PROSPECTIVE

89 Legal aid for individuals convicted of terrorism offences

- (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In section 9(1) (general cases), at the end insert—

“This is subject to section 9A (limits on access to civil legal services for individuals convicted of terrorism offences).”
- (3) After section 9 insert—

“9A Limits on access to civil legal services for individuals convicted of terrorism offences

- (1) Civil legal services described in Part 1 of Schedule 1 other than those in paragraph 12 of Schedule 1 (“general case services”) are only to be available to an individual convicted of a terrorism offence (an “offender”) under this Part if—
 - (a) the Director has made a determination under section 9(1)(b) (a “general case determination”) in relation to the offender (and has not withdrawn the determination), and
 - (b) the Director determines that one or more of Conditions A to G are met.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 89. (See end of Document for details)

- (2) Condition A is met where the offender was convicted of the terrorism offence before 19 February 2001.
- (3) Condition B is met where the offender was under the age of 18 on the date they applied for the general case determination (the “application date”).
- (4) Condition C is met where the offender was convicted of the terrorism offence more than 30 years before the application date.
- (5) Condition D is met where the offender was convicted of the terrorism offence—
 - (a) when they were under the age of 18, and
 - (b) more than 15 years before the application date.
- (6) Condition E is met where the offender applied for the general case determination before—
 - (a) the commencement date, or
 - (b) the date on which they were convicted of the terrorism offence.
- (7) Condition F is met where the Director has made (and not withdrawn) an exceptional case determination, within the meaning given by section 10(3), in relation to the offender and the general case services.
- (8) Condition G is met where—
 - (a) the general case services are those described in paragraph 11, 33, 34 or 35 of Schedule 1 (services in relation to domestic violence and housing), and
 - (b) the offender—
 - (i) was or is a victim of domestic violence occurring after the relevant date, or
 - (ii) is at risk of being a victim of domestic violence.
- (9) In subsection (8)—

“domestic violence” has the meaning given in paragraph 12(9) of Schedule 1;

“relevant date” means the date five years before the application date.
- (10) Regulations may make provision specifying for the purposes of this section when an individual is deemed to have applied for a general case determination.
- (11) In this section, “terrorism offence” means any of the following (whenever committed)—
 - (a) an offence listed in—
 - (i) Schedule A1 to the Sentencing Code (terrorism offences: England and Wales), or
 - (ii) Schedule 1A to the Counter-Terrorism Act 2008 (terrorism offences: Scotland and Northern Ireland);
 - (b) a service offence as respects which the corresponding civil offence is so listed;
 - (c) an offence that—
 - (i) was abolished on or before the commencement date, and

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 89. (See end of Document for details)

- (ii) if committed on or after the date on which it was abolished, would have constituted an offence referred to in paragraph (a) or (b);
 - (d) an offence determined to have a terrorist connection under—
 - (i) section 69 of the Sentencing Code (in the case of an offender sentenced in England and Wales), including as applied by section 238(6) of the Armed Forces Act 2006,
 - (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Northern Ireland, or an offender sentenced in England and Wales before the Sentencing Code applied), or
 - (iii) section 32 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced for a service offence before the Sentencing Code applied);
 - (e) an offence proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland).
- (12) Where an offender has been convicted of more than one terrorism offence, “the terrorism offence” in this section means the terrorism offence the offender has most recently been convicted of.
- (13) In this section—
“commencement date” means the date on which section 89 of the National Security Act 2023 comes into force;
“service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).
- (14) Nothing in this section affects the Director’s ability to make determinations under section 10 (exceptional cases).”
- (4) In section 12 (determinations)—
(a) in subsection (2), after “9” insert “, 9A”;
(b) in subsection (5), after “9” insert “, 9A”.

Commencement Information

II S. 89 not in force at Royal Assent, see [s. 100\(1\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Section 89.