



# Counter-Terrorism and Sentencing Act 2021

## CHAPTER 11

### COUNTER-TERRORISM AND SENTENCING ACT 2021

#### PART 1

##### SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

###### *Offences to be sentenced as terrorist offences*

- 1 Offences aggravated by terrorist connection
- 2 Meaning of “serious terrorism offence”: England and Wales
- 3 Offences relevant for provisions of this Act relating to Northern Ireland

###### *Serious terrorism sentences*

- 4 Serious terrorism sentence for adults aged under 21: England and Wales
- 5 Serious terrorism sentence for adults aged 21 or over: England and Wales
- 6 Serious terrorism sentence: Scotland
- 7 Serious terrorism sentence: Northern Ireland

###### *Serious terrorism sentences: supplementary provision*

- 8 Reduction in appropriate custodial term for guilty pleas: England and Wales
- 9 Reduction in appropriate custodial term for guilty pleas: Scotland
- 10 Reduction in appropriate custodial term for assistance to prosecution: England and Wales

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

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*Life or indeterminate sentences for serious terrorism offences*

- 11 Minimum term order for serious terrorism offenders: England and Wales
- 12 Minimum punishment part for serious terrorism offenders: Scotland
- 13 Minimum tariff for serious terrorism offenders given life sentences: Northern Ireland
- 14 Minimum custodial period for serious terrorism offenders given indeterminate custodial sentences: Northern Ireland

*Extended sentences*

- 15 Additional offences attracting extended sentence: England and Wales
- 16 Increase in extension period for serious terrorism offenders aged under 18: England and Wales
- 17 Increase in extension period for adult serious terrorism offenders aged under 21: England and Wales
- 18 Increase in extension period for serious terrorism offenders aged 21 or over: England and Wales
- 19 Additional terrorism offences attracting extended sentence: Scotland
- 20 Extended custodial sentences for serious terrorism offenders: Northern Ireland

*Other custodial sentences for terrorist offenders*

- 21 Offences attracting special custodial sentence for offenders of particular concern: England and Wales
- 22 Special custodial sentence for certain terrorist offenders aged under 18 at time of offence: England and Wales
- 23 Terrorism sentence with fixed licence period: Scotland
- 24 Terrorism sentence with fixed licence period: Northern Ireland

*Sentencing for service offences*

- 25 Corresponding provision under service law

*Maximum sentences*

- 26 Increase in maximum sentences for certain terrorist offences

**PART 2**

RELEASE OF TERRORIST OFFENDERS

*Removal or restriction of early release for terrorist prisoners*

- 27 Removal of early release for dangerous terrorist prisoners: England and Wales
- 28 Removal of early release for dangerous terrorist prisoners: Scotland
- 29 Further provision about release of terrorist prisoners: Scotland
- 30 Restricted eligibility for early release of terrorist prisoners: Northern Ireland
- 31 Removal of early release for dangerous terrorist prisoners: Northern Ireland

*Polygraph conditions in licences for release*

- 32 Polygraph licence conditions for terrorist offenders: England and Wales

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*Repatriated terrorist prisoners*

- 33 Release on licence of terrorist prisoners repatriated to the United Kingdom

**PART 3**

PREVENTION AND INVESTIGATION OF TERRORISM

*Terrorism prevention and investigation measures*

- 34 TPIMs: condition as to involvement in terrorism-related activity  
35 TPIMs: extension of time limit  
36 TPIMs: variation of measures  
37 TPIMs: extension of residence measure  
38 TPIMs: polygraph measure  
39 TPIMs: drug testing measure  
40 TPIMs: provision of information  
41 TPIMs: annual review

*Notification requirements under Part 4 of the Counter-Terrorism Act 2008*

- 42 Additional offences attracting notification requirements

*Serious crime prevention orders*

- 43 Police powers to apply for serious crime prevention orders in terrorism cases  
44 Serious crime prevention orders: review of operation of police powers

*“Prevent” strategy*

- 45 Persons vulnerable to being drawn into terrorism: timing of independent review

**PART 4**

GENERAL

- 46 Consequential and related amendments  
47 Power to state effect in Sentencing Act 2020 of commencement of amendments made by this Act  
48 Power to make further consequential provision  
49 Extent  
50 Commencement  
51 Short title

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**SCHEDULES**

SCHEDULE 1 — Offences where terrorist connection not required to be considered

PART 1 — ENGLAND AND WALES; SERVICE OFFENCES

This is the Schedule to be inserted as Schedule A1...

PART 2 — SCOTLAND AND NORTHERN IRELAND

This is the Schedule to be inserted as Schedule 1A...

SCHEDULE 2 — Serious terrorism offences: England and Wales

This is the Schedule to be inserted as Schedule 17A...

SCHEDULE 3 — Offences for the purposes of this Act: Northern Ireland

This is the Schedule to be inserted as Schedule 2A...

SCHEDULE 4 — Serious terrorism offences: Scotland

This is the Schedule to be inserted as Schedule 5ZA...

SCHEDULE 5 — Terrorism offences attracting extended sentence: Scotland

This is the Schedule to be inserted as Schedule 5ZC...

SCHEDULE 6 — Offences attracting special custodial sentence for offenders of particular concern: England and Wales

This is the Schedule to be substituted for Schedule 13...

SCHEDULE 7 — Offences attracting terrorism sentence with fixed licence period: Scotland

This is the Schedule to be inserted as Schedule 5ZB...

SCHEDULE 8 — Corresponding provision about sentencing under service law

PART 1 — SERIOUS TERRORISM SENTENCES ETC

1 The Armed Forces Act 2006 is amended as follows.

*Serious terrorism sentence for services offences*

2 After section 219 insert— Serious terrorism sentence: offenders aged 18...

*Reduction in appropriate custodial term for guilty plea*

3 In section 239 (reduction in sentence for guilty plea), after...

*Minimum term orders for serious terrorism offenders in cases of service offences*

4 In section 261A (life sentences: further provision), in subsection (3)—...

*Reduction in appropriate custodial term for assistance to prosecution*

5 In section 304C (to be inserted by the Armed Forces...

PART 2 — OFFENCES ATTRACTING SPECIAL CUSTODIAL SENTENCE

6 In section 224A of the Armed Forces Act 2006 (special...

PART 3 — SPECIAL CUSTODIAL SENTENCE FOR TERRORIST OFFENDERS OF PARTICULAR CONCERN AGED UNDER 18 AT TIME OF OFFENCE

7 The Armed Forces Act 2006 is amended as follows.

8 (1) Section 224A (special custodial sentence for offenders of particular...

9 After section 224A insert— Special sentence of detention for terrorist...

SCHEDULE 9 — Offences carrying restricted eligibility of terrorist prisoners for release on licence: England and Wales

This is the Schedule to be substituted for Schedule 19ZA...

SCHEDULE 10 — Offences carrying restricted eligibility of terrorist prisoners for release on licence: Scotland

This is the Schedule to be substituted for Schedule 1A...

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

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SCHEDULE 11 — Release on licence of repatriated terrorist prisoners

- 1 The Schedule to the Repatriation of Prisoners Act 1984 is...
- 2 In paragraph 2 (application of early release provisions), as it...
- 3 (1) Paragraph 2 (application of early release provisions), as it...
- 4 (1) Paragraph 2 (application of early release provisions), as it...
- 5 In paragraph 2A (application of early release provisions to prisoners...

SCHEDULE 12 — Serious crime prevention orders: power for police to apply in terrorism-related cases

- 1 The Serious Crime Act 2007 is amended as follows.
- 2 (1) Section 8 (authorities that can apply for a serious...
- 3 After section 8 insert— Serious crime prevention orders that are...
- 4 (1) Section 10(4) (definition of “relevant applicant authority”) is amended...
- 5 (1) Section 17 (variation of orders) is amended as follows....
- 6 (1) Section 18 (discharge of orders) is amended as follows....
- 7 (1) Section 27 (powers to wind up companies etc: England...
- 8 (1) Section 27A (powers to wind up companies etc: Scotland)...
- 9 (1) Section 28 (powers to wind up companies etc: Northern...
- 10 In section 43 (index of defined expressions for Part 1),...
- 11 (1) Schedule 2 (functions of applicant authorities under Part 1)...

SCHEDULE 13 — Consequential and related amendments

PART 1 — OFFENCES AGGRAVATED BY TERRORIST CONNECTION

*Terrorism Act 2000 (c. 11)*

- 1 (1) The Terrorism Act 2000 is amended as follows.

*Counter-Terrorism Act 2008 (c. 28)*

- 2 (1) The Counter-Terrorism Act 2008 is amended as follows.

*Counter-Terrorism and Security Act 2015 (c. 6)*

- 3 In section 44(2)(e) of the Counter-Terrorism and Security Act 2015...

*Space Industry Act 2018 (c. 5)*

- 4 Paragraph 29 of Schedule 12 to the Space Industry Act...

*Counter-Terrorism and Border Security Act 2019 (c. 3)*

- 5 In section 25(2) of the Counter-Terrorism and Border Security Act...

*Sentencing Act 2020 (c. 17)*

- 6 (1) The Sentencing Act 2020 is amended as follows.

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...

*Mental Health Act 1983 (c. 20)*

- 8 In section 37 of the Mental Health Act 1983 (power...

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

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*Criminal Justice Act 2003 (c. 44)*

- 9 (1) The Criminal Justice Act 2003 is amended as follows....

*Offender Management Act 2007 (c. 21)*

- 10 In section 28(3) of the Offender Management Act 2007 (custodial...

*Sentencing Act 2020 (c. 17)*

- 11 (1) The Sentencing Act 2020 is amended as follows.

PART 3 — OFFENCES ATTRACTING SPECIAL CUSTODIAL SENTENCE:  
ENGLAND AND WALES

*Sentencing Act 2020 (c. 17)*

- 12 (1) In section 398 of the Sentencing Act 2020 (ancillary...

PART 4 — SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN AGED  
UNDER 18 AT TIME OF OFFENCE: ENGLAND AND WALES

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 13 In section 5 of the Rehabilitation of Offenders Act 1974...

*Magistrates' Courts Act 1980 (c. 43)*

- 14 (1) The Magistrates' Courts Act 1980 is amended as follows....

*Mental Health Act 1983 (c. 20)*

- 15 In section 43(4) of the Mental Health Act 1983 (modification...

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 16 In section 25(5) of the Criminal Justice and Public Order...

*Crime and Disorder Act 1998 (c. 37)*

- 17 (1) The Crime and Disorder Act 1998 is amended as...

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 18 (1) The Criminal Justice and Court Services Act 2000 is...

*Proceeds of Crime Act 2002 (c. 29)*

- 19 In section 70(5) of the Proceeds of Crime Act 2002...

*Sexual Offences Act 2003 (c. 42)*

- 20 In section 131 of the Sexual Offences Act 2003 (application...

*Criminal Justice Act 2003 (c. 44)*

- 21 (1) The Criminal Justice Act 2003 is amended as follows....

*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

- 22 In section 45(1) of the Domestic Violence, Crime and Victims...

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*Armed Forces Act 2006 (c. 52)*

- 23 (1) The Armed Forces Act 2006 is amended as follows....

*Offender Management Act 2007 (c. 21)*

- 24 In section 28(3) of the Offender Management Act 2007 (custodial...

*Counter-Terrorism Act 2008 (c. 28)*

- 25 In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences attracting...

*Sentencing Act 2020 (c. 17)*

- 26 (1) The Sentencing Act 2020 is amended as follows.

*Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)*

- 27 In regulation 5(1) of the Children (Secure Accommodation) Regulations 1991...

*Youth Justice Board for England and Wales Order 2000 (S.I. 2000/1160)*

- 28 In article 4(2) of the Youth Justice Board for England...

*Child Benefit (General) Regulations 2006 (S.I. 2006/223)*

- 29 In regulation 1(3) of the Child Benefit (General) Regulations 2006...

*Employment and Support Allowance Regulations 2008 (S.I. 2008/794)*

- 30 In regulation 160(5) of the Employment and Support Allowance Regulations...

*Employment and Support Allowance Regulations 2013 (S.I. 2013/379)*

- 31 In regulation 96(6) of the Employment and Support Allowance Regulations...

*Children (Secure Accommodation) (Wales) Regulations 2015 (S.I. 2015/1988 (W. 298))*

- 32 In regulation 14(a) of the Children (Secure Accommodation) (Wales) Regulations...

PART 5 — AMENDMENTS IN RELATION TO SENTENCING UNDER SERVICE LAW

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 33 In section 5 of the Rehabilitation of Offenders Act 1974...  
34 (1) The Rehabilitation of Offenders Act 1974 as it forms...

*Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

- 35 In Article 6 of the Rehabilitation of Offenders (Northern Ireland)...

*Criminal Justice Act 1982 (c. 48)*

- 36 In section 32(1A) of the Criminal Justice Act 1982 (sentences...

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

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*Crime and Disorder Act 1998 (c. 37)*

37 (1) The Crime and Disorder Act 1998 is amended as...

*Criminal Justice and Court Services Act 2000 (c. 43)*

38 (1) The Criminal Justice and Court Services Act 2000 is...

*Sexual Offences Act 2003 (c. 42)*

39 In section 131 of the Sexual Offences Act 2003 (application...

*Criminal Justice Act 2003 (c. 44)*

40 In section 237(1B) of the Criminal Justice Act 2003 (service...

*Armed Forces Act 2006 (c. 52)*

41 (1) The Armed Forces Act 2006 is amended as follows....

*Counter-Terrorism Act 2008 (c. 28)*

42 In paragraph 5(1)(a)(iv) of Schedule 6 to the Counter-Terrorism Act...

*Sentencing Act 2020 (c. 17)*

43 (1) The Sentencing Act 2020 is amended as follows.

PART 6 — AMENDMENTS IN RELATION TO RELEASE: ENGLAND AND WALES

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

44 In section 106A(6) of the Powers of Criminal Courts (Sentencing)...

*Criminal Justice Act 2003 (c. 44)*

45 (1) The Criminal Justice Act 2003 is amended as follows....

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

46 In section 128 of the Legal Aid, Sentencing and Punishment...

PART 7 — CONSEQUENTIAL AND RELATED AMENDMENTS: SCOTLAND

*Social Work (Scotland) Act 1968 (c. 49)*

47 In section 6A(1)(d) of the Social Work (Scotland) Act 1968...

*Rehabilitation of Offenders Act 1974 (c. 53)*

48 In section 5 of the Rehabilitation of Offenders Act 1974...

49 In section 5 of the Rehabilitation of Offenders Act 1974...

*Repatriation of Prisoners Act 1984 (c. 47)*

50 In section 2(4)(b)(ii) of the Repatriation of Prisoners Act 1984...

*Prisons (Scotland) Act 1989 (c. 45)*

51 (1) The Prisons (Scotland) Act 1989 is amended as follows....



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- Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*
- 52 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is...
- Criminal Procedure (Scotland Act) 1995 (c. 46)*
- 53 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...
- Crime (Sentences) Act 1997 (c. 43)*
- 54 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer...
- International Criminal Court (Scotland) Act 2001 (asp 13)*
- 55 In section 24(c) of the International Criminal Court (Scotland) Act...
- Extradition Act 2003 (c. 41)*
- 56 In each of the following provisions of the Extradition Act...
- Sexual Offences Act 2003 (c. 42)*
- 57 In section 131 of the Sexual Offences Act 2003 (application...
- Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)*
- 58 In Schedule 6 to the Custodial Sentences and Weapons (Scotland)...
- Counter-Terrorism Act 2008 (c. 28)*
- 59 In section 45(2) of the Counter-Terrorism Act 2008 (Scottish sentences...
- Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3)*
- 60 In section 4 of the Terrorist Offenders (Restriction of Early...  
PART 8 — SERIOUS TERRORISM SENTENCE AND EXTENDED CUSTODIAL  
SENTENCE: NORTHERN IRELAND
- Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))*
- 61 In section 26(2) of the Treatment of Offenders Act (Northern...
- Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*
- 62 In Article 6 of the Rehabilitation of Offenders (Northern Ireland)...
- Mental Health (Northern Ireland) Order 1986 (S.I. 1985/595 (N.I. 4))*
- 63 In Article 44(1A) of the Mental Health (Northern Ireland) Order...
- Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*
- 64 (1) The Criminal Justice (Northern Ireland) Order 1996 is amended...
- Counter-Terrorism Act 2008 (c. 28)*
- 65 In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish...

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*Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))*

- 66 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended...  
PART 9 — TERRORISM SENTENCE WITH FIXED LICENCE PERIOD: NORTHERN IRELAND

*Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))*

- 67 In section 26(2) of the Treatment of Offenders Act (Northern...

*Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

- 68 In Article 6 of the Rehabilitation of Offenders (Northern Ireland)...

*Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*

- 69 (1) The Criminal Justice (Northern Ireland) Order 1996 is amended...

*Sexual Offences Act 2003 (c. 42)*

- 70 In section 131 of the Sexual Offences Act 2003 (application...

*Counter-Terrorism Act 2008 (c. 28)*

- 71 In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish...

*Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))*

- 72 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended...  
PART 10 — RELEASE ON LICENCE: NORTHERN IRELAND

*Extradition Act 2003 (c. 41)*

- 73 In each of the following provisions of the Extradition Act...

*Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))*

- 74 (1) The Criminal Justice (Northern Ireland) Order 2008 is amended...

*Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))*

- 75 (1) In section 55(2) of the Justice Act (Northern Ireland)...

*Parole Commissioners' Rules (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 82)*

- 76 (1) The Parole Commissioners' Rules (Northern Ireland) 2009 are amended...

**Changes to legislation:**

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