



Terrorism Act 2006

2006 CHAPTER 11

PART 1

OFFENCES

Encouragement etc. of terrorism

1 Encouragement of terrorism

- (1) This section applies to a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Convention offences.
- (2) A person commits an offence if—
 - (a) he publishes a statement to which this section applies or causes another to publish such a statement; and
 - (b) at the time he publishes it or causes it to be published, he—
 - (i) intends members of the public to be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism or Convention offences; or
 - (ii) is reckless as to whether members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate such acts or offences.
- (3) For the purposes of this section, the statements that are likely to be understood by members of the public as indirectly encouraging the commission or preparation of acts of terrorism or Convention offences include every statement which—
 - (a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences; and
 - (b) is a statement from which those members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.

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- (4) For the purposes of this section the questions how a statement is likely to be understood and what members of the public could reasonably be expected to infer from it must be determined having regard both—
- (a) to the contents of the statement as a whole; and
 - (b) to the circumstances and manner of its publication.
- (5) It is irrelevant for the purposes of subsections (1) to (3)—
- (a) whether anything mentioned in those subsections relates to the commission, preparation or instigation of one or more particular acts of terrorism or Convention offences, of acts of terrorism or Convention offences of a particular description or of acts of terrorism or Convention offences generally; and
 - (b) whether any person is in fact encouraged or induced by the statement to commit, prepare or instigate any such act or offence.
- (6) In proceedings for an offence under this section against a person in whose case it is not proved that he intended the statement directly or indirectly to encourage or otherwise induce the commission, preparation or instigation of acts of terrorism or Convention offences, it is a defence for him to show—
- (a) that the statement neither expressed his views nor had his endorsement (whether by virtue of section 3 or otherwise); and
 - (b) that it was clear, in all the circumstances of the statement's publication, that it did not express his views and (apart from the possibility of his having been given and failed to comply with a notice under subsection (3) of that section) did not have his endorsement.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (8) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (7)(b) to 12 months is to be read as a reference to 6 months.

2 Dissemination of terrorist publications

- (1) A person commits an offence if he engages in conduct falling within subsection (2) and, at the time he does so—
- (a) he intends an effect of his conduct to be a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism;
 - (b) he intends an effect of his conduct to be the provision of assistance in the commission or preparation of such acts; or
 - (c) he is reckless as to whether his conduct has an effect mentioned in paragraph (a) or (b).

- (2) For the purposes of this section a person engages in conduct falling within this subsection if he—
- (a) distributes or circulates a terrorist publication;
 - (b) gives, sells or lends such a publication;
 - (c) offers such a publication for sale or loan;
 - (d) provides a service to others that enables them to obtain, read, listen to or look at such a publication, or to acquire it by means of a gift, sale or loan;
 - (e) transmits the contents of such a publication electronically; or
 - (f) has such a publication in his possession with a view to its becoming the subject of conduct falling within any of paragraphs (a) to (e).
- (3) For the purposes of this section a publication is a terrorist publication, in relation to conduct falling within subsection (2), if matter contained in it is likely—
- (a) to be understood, by some or all of the persons to whom it is or may become available as a consequence of that conduct, as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism; or
 - (b) to be useful in the commission or preparation of such acts and to be understood, by some or all of those persons, as contained in the publication, or made available to them, wholly or mainly for the purpose of being so useful to them.
- (4) For the purposes of this section matter that is likely to be understood by a person as indirectly encouraging the commission or preparation of acts of terrorism includes any matter which—
- (a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts; and
 - (b) is matter from which that person could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by him in existing circumstances.
- (5) For the purposes of this section the question whether a publication is a terrorist publication in relation to particular conduct must be determined—
- (a) as at the time of that conduct; and
 - (b) having regard both to the contents of the publication as a whole and to the circumstances in which that conduct occurs.
- (6) In subsection (1) references to the effect of a person's conduct in relation to a terrorist publication include references to an effect of the publication on one or more persons to whom it is or may become available as a consequence of that conduct.
- (7) It is irrelevant for the purposes of this section whether anything mentioned in subsections (1) to (4) is in relation to the commission, preparation or instigation of one or more particular acts of terrorism, of acts of terrorism of a particular description or of acts of terrorism generally.
- (8) For the purposes of this section it is also irrelevant, in relation to matter contained in any article whether any person—
- (a) is in fact encouraged or induced by that matter to commit, prepare or instigate acts of terrorism; or
 - (b) in fact makes use of it in the commission or preparation of such acts.

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- (9) In proceedings for an offence under this section against a person in respect of conduct to which subsection (10) applies, it is a defence for him to show—
- (a) that the matter by reference to which the publication in question was a terrorist publication neither expressed his views nor had his endorsement (whether by virtue of section 3 or otherwise); and
 - (b) that it was clear, in all the circumstances of the conduct, that that matter did not express his views and (apart from the possibility of his having been given and failed to comply with a notice under subsection (3) of that section) did not have his endorsement.
- (10) This subsection applies to the conduct of a person to the extent that—
- (a) the publication to which his conduct related contained matter by reference to which it was a terrorist publication by virtue of subsection (3)(a); and
 - (b) that person is not proved to have engaged in that conduct with the intention specified in subsection (1)(a).
- (11) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (12) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (11)(b) to 12 months is to be read as a reference to 6 months.
- (13) In this section—
- “lend” includes let on hire, and “loan” is to be construed accordingly;
- “publication” means an article or record of any description that contains any of the following, or any combination of them—
- (a) matter to be read;
 - (b) matter to be listened to;
 - (c) matter to be looked at or watched.

3 Application of ss. 1 and 2 to internet activity etc.

- (1) This section applies for the purposes of sections 1 and 2 in relation to cases where—
- (a) a statement is published or caused to be published in the course of, or in connection with, the provision or use of a service provided electronically; or
 - (b) conduct falling within section 2(2) was in the course of, or in connection with, the provision or use of such a service.
- (2) The cases in which the statement, or the article or record to which the conduct relates, is to be regarded as having the endorsement of a person (“the relevant person”) at any time include a case in which—
- (a) a constable has given him a notice under subsection (3);

- (b) that time falls more than 2 working days after the day on which the notice was given; and
 - (c) the relevant person has failed, without reasonable excuse, to comply with the notice.
- (3) A notice under this subsection is a notice which—
 - (a) declares that, in the opinion of the constable giving it, the statement or the article or record is unlawfully terrorism-related;
 - (b) requires the relevant person to secure that the statement or the article or record, so far as it is so related, is not available to the public or is modified so as no longer to be so related;
 - (c) warns the relevant person that a failure to comply with the notice within 2 working days will result in the statement, or the article or record, being regarded as having his endorsement; and
 - (d) explains how, under subsection (4), he may become liable by virtue of the notice if the statement, or the article or record, becomes available to the public after he has complied with the notice.
- (4) Where—
 - (a) a notice under subsection (3) has been given to the relevant person in respect of a statement, or an article or record, and he has complied with it, but
 - (b) he subsequently publishes or causes to be published a statement which is, or is for all practical purposes, the same or to the same effect as the statement to which the notice related, or to matter contained in the article or record to which it related, (a “repeat statement”);

the requirements of subsection (2)(a) to (c) shall be regarded as satisfied in the case of the repeat statement in relation to the times of its subsequent publication by the relevant person.
- (5) In proceedings against a person for an offence under section 1 or 2 the requirements of subsection (2)(a) to (c) are not, in his case, to be regarded as satisfied in relation to any time by virtue of subsection (4) if he shows that he—
 - (a) has, before that time, taken every step he reasonably could to prevent a repeat statement from becoming available to the public and to ascertain whether it does; and
 - (b) was, at that time, a person to whom subsection (6) applied.
- (6) This subsection applies to a person at any time when he—
 - (a) is not aware of the publication of the repeat statement; or
 - (b) having become aware of its publication, has taken every step that he reasonably could to secure that it either ceased to be available to the public or was modified as mentioned in subsection (3)(b).
- (7) For the purposes of this section a statement or an article or record is unlawfully terrorism-related if it constitutes, or if matter contained in the article or record constitutes—
 - (a) something that is likely to be understood, by any one or more of the persons to whom it has or may become available, as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism or Convention offences; or
 - (b) information which—

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- (i) is likely to be useful to any one or more of those persons in the commission or preparation of such acts; and
 - (ii) is in a form or context in which it is likely to be understood by any one or more of those persons as being wholly or mainly for the purpose of being so useful.
- (8) The reference in subsection (7) to something that is likely to be understood as an indirect encouragement to the commission or preparation of acts of terrorism or Convention offences includes anything which is likely to be understood as—
- (a) the glorification of the commission or preparation (whether in the past, in the future or generally) of such acts or such offences; and
 - (b) a suggestion that what is being glorified is being glorified as conduct that should be emulated in existing circumstances.
- (9) In this section “working day” means any day other than—
- (a) a Saturday or a Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.

4 Giving of notices under s. 3

- (1) Except in a case to which any of subsections (2) to (4) applies, a notice under section 3(3) may be given to a person only—
- (a) by delivering it to him in person; or
 - (b) by sending it to him, by means of a postal service providing for delivery to be recorded, at his last known address.
- (2) Such a notice may be given to a body corporate only—
- (a) by delivering it to the secretary of that body in person; or
 - (b) by sending it to the appropriate person, by means of a postal service providing for delivery to be recorded, at the address of the registered or principal office of the body.
- (3) Such a notice may be given to a firm only—
- (a) by delivering it to a partner of the firm in person;
 - (b) by so delivering it to a person having the control or management of the partnership business; or
 - (c) by sending it to the appropriate person, by means of a postal service providing for delivery to be recorded, at the address of the principal office of the partnership.
- (4) Such a notice may be given to an unincorporated body or association only—
- (a) by delivering it to a member of its governing body in person; or
 - (b) by sending it to the appropriate person, by means of a postal service providing for delivery to be recorded, at the address of the principal office of the body or association.
- (5) In the case of—
- (a) a company registered outside the United Kingdom,
 - (b) a firm carrying on business outside the United Kingdom, or

(c) an unincorporated body or association with offices outside the United Kingdom,

the references in this section to its principal office include references to its principal office within the United Kingdom (if any).

(6) In this section “the appropriate person” means—

(a) in the case of a body corporate, the body itself or its secretary;

(b) in the case of a firm, the firm itself or a partner of the firm or a person having the control or management of the partnership business; and

(c) in the case of an unincorporated body or association, the body or association itself or a member of its governing body.

(7) For the purposes of section 3 the time at which a notice under subsection (3) of that section is to be regarded as given is—

(a) where it is delivered to a person, the time at which it is so delivered; and

(b) where it is sent by a postal service providing for delivery to be recorded, the time recorded as the time of its delivery.

(8) In this section “secretary”, in relation to a body corporate, means the secretary or other equivalent officer of the body.