



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 3

#### SUPPLEMENTAL PROVISIONS

#### 36 Review of terrorism legislation

- (1) The Secretary of State must appoint a person to review the operation of the provisions of the Terrorism Act 2000 and of Part 1 of this Act.
- (2) That person may, from time to time, [<sup>F1</sup>carry out—
  - (a) a review of the provisions of the Terrorism Act 2000, and
  - (b) a review of the provisions of Part 1 of this Act,and,] where he does so, must send a report on the outcome of his review to the Secretary of State as soon as reasonably practicable after completing the review.

- [<sup>F2</sup>(2A) A review under subsection (2) may, in particular, consider whether—
- (a) the requirements imposed by or under Part 1 or 2, or paragraph 37, of Schedule 8 to the Terrorism Act 2000 (detention of suspected terrorists), and
  - (b) the requirements imposed by any relevant code of practice under section 66 of the Police and Criminal Evidence Act 1984 or Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ( S.I. 1989/1341 (N.I. 12)),
- have been complied with in relation to persons detained under section 41 of the Terrorism Act 2000 pursuant to a warrant of further detention issued under Part 3 of Schedule 8 to that Act.]
- (3) [<sup>F3</sup>The person appointed under subsection (1)] must carry out and report on his first review [<sup>F4</sup>under subsection (2)] before the end of the period of 12 months after the laying before Parliament of the last report to be so laid under section 126 of the Terrorism Act 2000 before the commencement of this section.
  - (4) That person must carry out and report on a review [<sup>F4</sup>under [<sup>F5</sup> subsection (2)(a)]] at least once in every twelve month period ending with an anniversary of the end of the twelve month period mentioned in subsection (3).

*Status: Point in time view as at 12/02/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 3. (See end of Document for details)*

[<sup>F6</sup>(4A) The person appointed under subsection (1) must ensure that a review is carried out (whether by that person or another person) into any case where the period specified in a warrant of further detention issued under Part 3 of Schedule 8 to the Terrorism Act 2000 (extension of detention of terrorist suspects) is further extended by virtue of paragraph 36 of that Schedule to a time that is more than 14 days after the relevant time (within the meaning of that paragraph).

(4B) The person appointed under subsection (1) must ensure that a report on the outcome of the review is sent to the Secretary of State as soon as reasonably practicable after the completion of the review.]

[<sup>F7</sup>(4C) In each calendar year the person appointed under subsection (1) must, by 31 January, inform the Secretary of State what (if any) reviews under subsection (2)(b) the person intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.]

(5) On receiving a report under this section, the Secretary of State must lay a copy of it before Parliament [<sup>F8</sup>as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings].

(6) The Secretary of State may, out of money provided by Parliament, pay a person appointed [<sup>F9</sup>under subsection (1)], both his expenses and also such allowances as the Secretary of State determines.

[<sup>F10</sup>(6A) The expenses mentioned in subsection (6) include, in particular, any expenses incurred by the person appointed under subsection (1) in ensuring that another person carries out a review of the kind mentioned in subsection (4A) and reports on it.]

#### Textual Amendments

- F1** Words in s. 36(2) substituted (12.4.2015) by Counter-Terrorism and Security Act 2015 (c. 6), ss. 45(1)(a), 52(2)(b)
- F2** S. 36(2A) inserted (7.8.2012) by Coroners and Justice Act 2009 (c. 25), ss. 117(2), 182(5) (with s. 180); S.I. 2012/1810, art. 2
- F3** Words in s. 36(3) substituted (7.8.2012) by Coroners and Justice Act 2009 (c. 25), ss. 117(3), 182(5) (with s. 180); S.I. 2012/1810, art. 2
- F4** Words in s. 36(3)(4) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 32(a) (with s. 97); S.I. 2012/1205, art. 4(k); S.I. 2012/1205, art. 4(k)
- F5** Words in s. 36(4) substituted (12.4.2015) by Counter-Terrorism and Security Act 2015 (c. 6), ss. 45(1)(b), 52(2)(b)
- F6** S. 36(4A)(4B) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 58(3), 120 (with s. 97); S.I. 2012/1205, art. 4(b)
- F7** S. 36(4C) inserted (12.4.2015) by Counter-Terrorism and Security Act 2015 (c. 6), ss. 45(1)(c), 52(2)(b)
- F8** Words in s. 36(5) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 32(b) (with s. 97); S.I. 2012/1205, art. 4(k)
- F9** Words in s. 36(6) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 32(c) (with s. 97); S.I. 2012/1205, art. 4(k)
- F10** S. 36(6A) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 32(d) (with s. 97); S.I. 2012/1205, art. 4(k)

*Status: Point in time view as at 12/02/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 3. (See end of Document for details)*

#### Commencement Information

**II** S. 36 in force at 13.4.2006 by [S.I. 2006/1013](#), [art. 2\(2\)\(b\)](#)

### 37 Consequential amendments and repeals

- (1) In section 32(e) of the Terrorism Act 2000 (c. 11) (meaning of “terrorist investigation”), after “offence under this Act” insert “ or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act ”.
- (2) In section 117 of that Act (consents to prosecutions), for subsection (3) substitute—
  - “(2A) But if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies has been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom, his consent for the purposes of this section may be given only with the permission—
    - (a) in the case of the Director of Public Prosecutions, of the Attorney General; and
    - (b) in the case of the Director of Public Prosecutions for Northern Ireland, of the Advocate General for Northern Ireland.
  - (2B) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (2A) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.”
- (3) After section 120 of that Act insert—

#### “120A Supplemental powers of court in respect of forfeiture orders

- (1) Where court makes an order under section 54, 58 or 103 for the forfeiture of anything, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture.
  - (2) That provision may include, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.
  - (3) Provision made by virtue of this section may be varied at any time by the court that made it.”
- (4) In Part 1 of Schedule 9 to that Act (scheduled offences), at the end insert—

#### “Terrorism Act 2006

22C Offences under Part 1 of the Terrorism Act 2006 (terrorism-related offences).”

- (5) The enactments listed in column 1 of Schedule 3 are repealed to the extent set out in column 2 of that Schedule.

#### Commencement Information

**I2** S. 37(1)-(4) in force at 13.4.2006 by [S.I. 2006/1013](#), [art. 2\(2\)\(c\)](#)

*Status: Point in time view as at 12/02/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 3. (See end of Document for details)*

- I3** S. 37(5) in force at 13.4.2006 for specified purposes by S.I. 2006/1013, **art. 2(2)(d)**  
**I4** S. 37(5) in force at 25.7.2006 in so far as not already in force by S.I. 2006/1936, **art. 2(2)(b)**

### 38 Expenses

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of such money under any other Act.

#### Commencement Information

- I5** S. 38 in force at 13.4.2006 by S.I. 2006/1013, **art. 2(2)(c)**

### 39 Short title, commencement and extent

- (1) This Act may be cited as the Terrorism Act 2006.
- (2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) An order made under subsection (2) may make different provision for different purposes.
- (4) Subject to section 17(6), an amendment or repeal by this Act of another enactment has the same extent as the enactment amended or repealed.
- (5) Subject to section 17(6) and to subsection (4) of this section, this Act extends to the whole of the United Kingdom.
- (6) Her Majesty may by Order in Council direct that any provisions of this Act shall extend, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.
- (7) In subsection (6) “modification” includes omissions, additions and alterations.

#### Modifications etc. (not altering text)

- C1** S. 39(6) modified (12.2.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 95(1), **97(4)**  
**C2** S. 39(6) modified (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), ss. **51(4)**, 52(5)  
**C3** S. 39(6) power applied (12.2.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), ss. **26(8)**, 27(1)(c)

**Status:**

Point in time view as at 12/02/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Act 2006, Part 3.