



Terrorism Act 2006

2006 CHAPTER 11

PART 1

OFFENCES

Incidental provisions about offences

16 Preparatory hearings in terrorism cases

(1) Section 29 of the Criminal Procedure and Investigations Act 1996 (c. 25) (power to order preparatory hearing) is amended as follows.

(2) Before subsection (2) insert—

“(1B) An order that a preparatory hearing shall be held must be made by a judge of the Crown Court in every case which (whether or not it falls within subsection (1) or (1A)) is a case in which at least one of the offences charged by the indictment against at least one of the persons charged is a terrorism offence.

(1C) An order that a preparatory hearing shall be held must also be made by a judge of the Crown court in every case which (whether or not it falls within subsection (1) or (1A)) is a case in which—

- (a) at least one of the offences charged by the indictment against at least one of the persons charged is an offence carrying a maximum of at least 10 years' imprisonment; and
- (b) it appears to the judge that evidence on the indictment reveals that conduct in respect of which that offence is charged had a terrorist connection.”

(3) For subsection (3) (no order in serious and complex fraud cases) substitute—

“(3) In a case in which it appears to a judge of the Crown Court that evidence on an indictment reveals a case of fraud of such seriousness or complexity as is

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mentioned in section 7 of the Criminal Justice Act 1987 (preparatory hearings in cases of serious or complex fraud)—

- (a) the judge may make an order for a preparatory hearing under this section only if he is required to do so by subsection (1B) or (1C);
- (b) before making an order in pursuance of either of those subsections, he must determine whether to make an order for a preparatory hearing under that section; and
- (c) he is not required by either of those subsections to make an order for a preparatory hearing under this section if he determines that an order should be made for a preparatory hearing under that section;

and, in a case in which an order is made for a preparatory hearing under that section, requirements imposed by those subsections apply only if that order ceases to have effect.”

- (4) In subsection (4) (orders to be capable of being made on application or on the judge's own motion), for the words before paragraph (a) substitute—

“(4) An order that a preparatory hearing shall be held may be made—”

- (5) After sub-paragraph (5) insert—

“(6) In this section ‘terrorism offence’ means—

- (a) an offence under section 11 or 12 of the Terrorism Act 2000 (c. 11) (offences relating to proscribed organisations);
- (b) an offence under any of sections 15 to 18 of that Act (offences relating to terrorist property);
- (c) an offence under section 38B of that Act (failure to disclose information about acts of terrorism);
- (d) an offence under section 54 of that Act (weapons training);
- (e) an offence under any of sections 56 to 59 of that Act (directing terrorism, possessing things and collecting information for the purposes of terrorism and inciting terrorism outside the United Kingdom);
- (f) an offence in respect of which there is jurisdiction by virtue of section 62 of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc.);
- (g) an offence under Part 1 of the Terrorism Act 2006 (miscellaneous terrorist related offences);
- (h) conspiring or attempting to commit a terrorism offence;
- (i) incitement to commit a terrorism offence.

- (7) For the purposes of this section an offence carries a maximum of at least 10 years' imprisonment if—

- (a) it is punishable, on conviction on indictment, with imprisonment; and
- (b) the maximum term of imprisonment that may be imposed on conviction on indictment of that offence is 10 years or more or is imprisonment for life.

- (8) For the purposes of this section conduct has a terrorist connection if it is or takes place in the course of an act of terrorism or is for the purposes of terrorism.

Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Section 16. (See end of Document for details)

(9) In subsection (8) ‘terrorism’ has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).”

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Commencement Information

I1 S. 16 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

Changes to legislation:

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