



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 1

#### OFFENCES

##### *Encouragement etc. of terrorism*

## 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—

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- (a) to be understood [<sup>F1</sup>by a reasonable person as a direct or indirect encouragement or other inducement, to some or all of the persons to whom it is or may become available as a result of that conduct,] 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 [<sup>F2</sup>reasonable] 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 [<sup>F3</sup>a 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.
- (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

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- (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 [<sup>F4</sup>15 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 [<sup>F5</sup>2 May 2022], 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.

#### Textual Amendments

- F1** Words in s. 2(3)(a) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 5(6), 27(3)** (with s. 25(1))
- F2** Word in s. 2(4) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 5(7)(a), 27(3)** (with s. 25(1))
- F3** Words in s. 2(4)(b) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 5(7)(b), 27(3)** (with s. 25(1))
- F4** Words in s. 2(11)(a) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 7(7), 27(3)** (with s. 25(2))
- F5** Words in s. 2(12) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

#### Commencement Information

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

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Act 2006, Section 2.