



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 8

#### SUPPLEMENTARY PROVISIONS

##### *General definitions*

#### **92 Meaning of “terrorism”**

In this Act “terrorism” has the same meaning as in the Terrorism Act 2000 (c. 11) (see section 1 of that Act).

#### **93 Meaning of offence having a “terrorist connection”**

For the purposes of this Act an offence has a terrorist connection if the offence—

- (a) is, or takes place in the course of, an act of terrorism, or
- (b) is committed for the purposes of terrorism.

#### **94 Meaning of “ancillary offence”**

(1) In this Act “ancillary offence”, in relation to an offence, means any of the following—

- (a) aiding, abetting, counselling or procuring the commission of the offence (or, in Scotland, being art and part in the commission of the offence);
- (b) an offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to the offence (or, in Scotland, inciting a person to commit the offence);
- (c) attempting or conspiring to commit the offence.

(2) In subsection (1)(b) the reference to an offence under Part 2 of the Serious Crime Act 2007 includes, in relation to times before the commencement of that Part, an offence of incitement under the law of England and Wales or Northern Ireland.

---

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Part 8. (See end of Document for details)*

---

## **95 Meaning of “service court” and “service offence”**

- (1) In this Act “service court” means the Court Martial, the Service Civilian Court or the Court Martial Appeal Court.
- (2) Until the commencement of the relevant provisions of the Armed Forces Act 2006 (c. 52), the following is substituted for subsection (1)—
  - “(1) In this Act “service court” means—
    - (a) a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);
    - (b) the Courts-Martial Appeal Court; or
    - (c) a Standing Civilian Court.”.
- (3) In this Act “service offence” means an offence under—
  - (a) section 42 of the Armed Forces Act 2006,
  - (b) section 70 of the Army Act 1955 or the Air Force Act 1955, or
  - (c) section 42 of the Naval Discipline Act 1957.
- (4) References in this Act to the “corresponding civil offence” in relation to a service offence are—
  - (a) in relation to an offence under section 42 of the Armed Forces Act 2006, to the corresponding offence under the law of England and Wales within the meaning of that section;
  - (b) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, to the corresponding civil offence within the meaning of that Act;
  - (c) in relation to an offence under section 42 of the Naval Discipline Act 1957, to the civil offence within the meaning of that section.
- (5) Section 48 of the Armed Forces Act 2006 (c. 52) (supplementary provisions relating to ancillary service offences) applies for the purposes of subsection (4)(a) above as it applies for the purposes of the provisions of that Act referred to in subsection (3) (b) of that section.

### *Orders and regulations*

## **96 Orders and regulations**

- (1) Orders and regulations under this Act must be made by statutory instrument.
- (2) Orders or regulations under this Act may—
  - (a) make different provision for different cases or circumstances,
  - (b) include supplementary, incidental and consequential provision, and
  - (c) make transitional provision and savings.
- (3) Any provision that may be made by regulations under this Act may be made by order; and any provision that may be made by order under this Act may be made by regulations.

---

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Part 8. (See end of Document for details)*

---

## **97 Orders and regulations: affirmative and negative resolution procedure**

- (1) Where orders or regulations under this Act are subject to “affirmative resolution procedure” the order or regulations must not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.
- (2) Where orders or regulations under this Act are subject to “negative resolution procedure” the statutory instrument containing the order or regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Provision that may be made by order or regulations under this Act for which no Parliamentary procedure is prescribed may be included in an instrument subject to negative or affirmative resolution procedure.
- (4) Provision that may be made by order or regulations under this Act subject to negative resolution procedure may be included in an instrument subject to affirmative resolution procedure.

### *Financial provisions*

## **98 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses of the Secretary of State under this Act, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.
- (2) There shall be paid into the Consolidated Fund—
  - (a) any sums received by the Secretary of State under this Act, and
  - (b) any increase attributable to this Act in the sums payable into that Fund under any other Act.

### *Repeals and revocations*

## **99 Repeals and revocations**

The enactments specified in Schedule 9, which include enactments that are spent, are repealed or revoked to the extent specified.

### **Commencement Information**

- |           |   |
|-----------|---|
| <b>11</b> | S. 99 in force at 16.2.2009 for specified purposes by <a href="#">S.I. 2009/58, art. 2(i)</a>   |
| <b>12</b> | S. 99 in force at 18.6.2009 for specified purposes by <a href="#">S.I. 2009/1256, art. 2(d)</a> |

### *Final provisions*

## **100 Commencement**

- (1) The provisions of this Part, except section 99 and Schedule 9 (repeals and revocations), come into force on the day this Act is passed.

---

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Part 8. (See end of Document for details)*

---

- (2) Part 5 (terrorist financing and money laundering) and Part 6 (financial restrictions proceedings) come into force on the day after the day on which this Act is passed.
- (3) Sections 85 to 90 (costs of policing at gas facilities) come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) Section 91 (appointment of special advocates in Northern Ireland) comes into force in accordance with subsection (3) of that section.
- (5) The other provisions of this Act come into force on such day as may be appointed by order of the Secretary of State.
- (6) The Secretary of State may by order make such transitional provision and savings as appears necessary or expedient in connection with the commencement of any provision of this Act.

## **101 Extent**

- (1) Except as otherwise provided—
  - (a) an amendment or repeal by this Act has the same extent as the enactment amended or repealed; and
  - (b) any other provisions of this Act—
    - (i) extend to the whole of the United Kingdom, and
    - (ii) do not extend to any country or territory outside the United Kingdom.
- (2) Nothing in this section shall be read as restricting the application of any provision of this Act in relation to service courts or service offences.

## **102 Short title**

The short title of this Act is the Counter-Terrorism Act 2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Part 8.