



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 7

#### MISCELLANEOUS

#### *Terrorist offences*

#### 76 Offences relating to information about members of armed forces etc

(1) After section 58 of the Terrorism Act 2000 (collection of information) insert—

**“58A Eliciting, publishing or communicating information about members of armed forces etc**

- (1) A person commits an offence who—
- (a) elicits or attempts to elicit information about an individual who is or has been—
    - (i) a member of Her Majesty's forces,
    - (ii) a member of any of the intelligence services, or
    - (iii) a constable,which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) publishes or communicates any such information.
- (2) It is a defence for a person charged with an offence under this section to prove that they had a reasonable excuse for their action.
- (3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;
  - (b) on summary conviction—

---

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 76. (See end of Document for details)*

---

- (i) in England and Wales or Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (4) In this section “the intelligence services” means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994 (c. 13)).
- (5) Schedule 8A to this Act contains supplementary provisions relating to the offence under this section.”.
- (2) In the application of section 58A in England and Wales in relation to an offence committed before [F12 May 2022] the reference in subsection (3)(b)(i) to 12 months is to be read as a reference to 6 months.
- (3) In section 118 of the Terrorism Act 2000 (c. 11) (defences), in subsection (5)(a) after “58,” insert “ 58A, ”.
- (4) After Schedule 8 to the Terrorism Act 2000 insert the Schedule set out in Schedule 8 to this Act.

---

#### **Textual Amendments**

- F1** Words in s. 76(2) 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. 76 in force at 16.2.2009 by [S.I. 2009/58](#), [art. 2\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 76.