



# Counter-Terrorism and Sentencing Act 2021

## 2021 CHAPTER 11

### PART 4

#### GENERAL

#### **46 Consequential and related amendments**

Schedule 13 contains consequential and other related amendments.

#### **Commencement Information**

- II** S. 46 in force at 30.4.2021 and 29.6.2021 for specified purposes and otherwise prosp. see s. 50(1)(i)(2)(v)(3)(i)(j)

#### **47 Power to state effect in Sentencing Act 2020 of commencement of amendments made by this Act**

The power in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions) applies in relation to any amendment or repeal made by or under this Act of that Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act.

#### **48 Power to make further consequential provision**

- (1) The Secretary of State may by regulations make provision in consequence of this Act.
- (2) The power conferred by subsection (1) includes power—
  - (a) to amend, repeal or revoke any provision of primary legislation or subordinate legislation (including legislation passed or made on or before the last day of the Session in which this Act is passed);

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- (b) to make different provision for different purposes;
  - (c) to make transitional, transitory or saving provision.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument that contains (with or without other provision) regulations under this section which amend, repeal or revoke primary legislation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Any other statutory instrument that contains regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—
- “primary legislation” means—
    - (a) an Act of Parliament;
    - (b) an Act of the Scottish Parliament;
    - (c) an Act or Measure of Senedd Cymru;
    - (d) Northern Ireland legislation;
  - “subordinate legislation” means—
    - (a) subordinate legislation within the meaning of the Interpretation Act 1978;
    - (b) an instrument made under an Act of the Scottish Parliament;
    - (c) an instrument made under an Act or Measure of Senedd Cymru;
    - (d) an instrument made under Northern Ireland legislation.
- (7) In the Criminal Justice and Court Services Act 2000—
- (a) in section 77 (supplementary and consequential provision), at the end insert—
    - “(3) The provision which may be made under subsection (1) in relation to section 61 of this Act (abolition of sentence of detention in young offender institution etc) also includes provision amending or repealing—
      - (a) any provision of the Counter-Terrorism and Sentencing Act 2021,
      - (b) any provision of an enactment that was inserted or amended by, or by regulations made under, the Counter-Terrorism and Sentencing Act 2021.”;
  - (b) in section 78(2) (meaning of “enactment”), after “in this Part” insert “ other than section 77(3) ”.

## **49 Extent**

- (1) A provision of this Act which amends, repeals or revokes an enactment has the same extent within the United Kingdom as the enactment amended, repealed or revoked.
- (2) Subject to subsections (3) and (4), the other provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (3) Section 21(2) extends to England and Wales only.
- (4) Section 45(2) extends to England and Wales and Scotland.

- (5) Nothing in subsections (1) to (4) limits the extent within the United Kingdom of any provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006.
- (6) Subsections (1) and (2) of section 384 of the Armed Forces Act 2006 (extent outside the United Kingdom) apply to the armed forces provisions as those subsections apply to the provisions of that Act.
- (7) The following are “armed forces provisions”—
- (a) a provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006;
  - (b) an amendment, modification or repeal made by or under this Act of—
    - (i) a provision of or made under the Armed Forces Act 2006,
    - (ii) a provision that amends, modifies or repeals a provision of, or made under, that Act, or
    - (iii) any other provision, so far as the provision is applied (by whatever words) by or under that Act.
- (8) The power under section 39(6) of the Terrorism Act 2006 (extension to the Channel Islands or the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.
- (9) The power under section 31(4) of the Terrorism Prevention and Investigation Measures Act 2011 (extension to the Isle of Man) may be exercised in relation to any amendments made to that Act by this Act.

## **50 Commencement**

- (1) The following provisions come into force on the day after the day on which this Act is passed—
- (a) section 3 (and Schedule 3);
  - (b) section 21 (and Schedule 6), except as mentioned in subsection (3)(f);
  - (c) section 22;
  - (d) section 23 (and Schedule 7);
  - (e) section 24;
  - (f) section 30;
  - (g) section 45;
  - (h) sections 47 to 49, this section and section 51;
  - (i) the following provisions in Schedule 13 (and section 46 to the extent that it relates to those provisions)—
    - (i) Part 3 of that Schedule, except as mentioned in subsection (3)(i);
    - (ii) Part 4 of that Schedule;
    - (iii) paragraph 44;
    - (iv) paragraph 45 other than sub-paragraph (4);
    - (v) paragraphs 47 to 51;
    - (vi) paragraph 52 other than sub-paragraph (7)(a);
    - (vii) paragraph 53 other than sub-paragraph (4);
    - (viii) paragraphs 54 to 60;
    - (ix) Parts 9 and 10 of that Schedule.

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- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
- (a) section 1 (and Schedule 1), except as mentioned in subsection (3)(a);
  - (b) section 2 (and Schedule 2);
  - (c) sections 4 and 5;
  - (d) section 6 (and Schedule 4);
  - (e) sections 7 to 10;
  - (f) section 11, except as mentioned in subsection (3)(b);
  - (g) sections 12 to 14;
  - (h) section 15, except as mentioned in subsection (3)(c);
  - (i) section 16, except as mentioned in subsection (3)(d);
  - (j) sections 17 and 18, except as mentioned in subsection (3)(e);
  - (k) section 19 (and Schedule 5);
  - (l) section 20;
  - (m) section 26;
  - (n) section 27 (and Schedule 9);
  - (o) section 28 (and Schedule 10);
  - (p) section 29;
  - (q) sections 31 and 32;
  - (r) section 33 (and Schedule 11);
  - (s) sections 34 to 42;
  - (t) section 43 (and Schedule 12);
  - (u) section 44;
  - (v) the following provisions in Schedule 13 (and section 46 to the extent that it relates to those provisions)—
    - (i) Part 1 of that Schedule, except as mentioned in subsection (3)(h);
    - (ii) Part 2 of that Schedule;
    - (iii) paragraphs 45(4), 46, 52(7)(a) and 53(4);
    - (iv) Part 8 of that Schedule.
- (3) The following provisions of this Act come into force on such day as the Secretary of State may by regulations appoint—
- (a) section 1 (and Schedule 1), as they have effect for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006;
  - (b) section 11, as it has effect for the purposes of section 323 of the Sentencing Code as applied by section 261A of the Armed Forces Act 2006;
  - (c) section 15, as it has effect for the purposes of Schedule 18 to the Sentencing Code as applied by sections 219A and 221A of the Armed Forces Act 2006;
  - (d) section 16, as it has effect for the purposes of section 256 of the Sentencing Code as applied by section 221A of the Armed Forces Act 2006;
  - (e) sections 17 and 18, as they have effect for the purposes of sections 268 and 281 of the Sentencing Code as applied by section 219A of the Armed Forces Act 2006;
  - (f) section 21 (and Schedule 6), as they have effect for the purposes of Schedule 13 to the Sentencing Code as applied by section 224A of the Armed Forces Act 2006;
  - (g) section 25 (and Schedule 8);

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- (h) paragraph 6(3)(a) and (4) of Schedule 13 as they have effect for the purposes mentioned in paragraph (a) above (and section 46 to the extent that it relates to those provisions for those purposes);
  - (i) Part 3 of Schedule 13 as it has effect for the purposes mentioned in paragraph (f) above (and section 46 to the extent that it relates to that Part for those purposes);
  - (j) Part 5 of Schedule 13 (and section 46 to the extent that it relates to that Part).
- (4) Different days may be appointed for different purposes.
- (5) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (6) Regulations under this section are to be made by statutory instrument.

## **51 Short title**

This Act may be cited as the Counter-Terrorism and Sentencing Act 2021.

**Changes to legislation:**

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