Counter-Terrorism and Sentencing Act 2021 (c. 11)
SCHEDULE 13 – Consequential and related amendments
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Changes to legislation: There are currently no known outstanding effects for the
Counter-Terrorism and Sentencing Act 2021, PART 8. (See end of Document for details)

S C H E D U L E S

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 8

SERIOUS TERRORISM SENTENCE AND EXTENDED CUSTODIAL SENTENCE: NORTHERN IRELAND

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

61   In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (as
        amended by Part 9 of this Schedule) (length of custodial sentences to be reduced
        for periods already spent in custody), after "Article" insert " 13A(6), ".

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

62   In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as
        amended by Part 9 of this Schedule) (rehabilitation periods for particular sentences),
        in paragraph (9)(b), after "Article" insert " 13A(6) or ".

Mental Health (Northern Ireland) Order 1986 (S.I. 1985/595 (N.I. 4))

63   In Article 44(1A) of the Mental Health (Northern Ireland) Order 1986 (sentences
        requirement to impose which does not prevent making of hospital or guardianship
        order), in sub-paragraph (c), after "13" insert " , 13A ".

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

64   (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

        (2) In Article 2(2) (meaning of expressions), in paragraph (b) of the definition of
        "custodial sentence", after "13(4)(b)" insert " , 13A(6) ".

        (3) In Article 4(1) (power to grant absolute or condition discharge subject to certain
        sentencing requirements), after "13" insert " , 13A ".

        (4) In Article 10(1) (power to make probation order subject to certain sentencing
        requirements), after "13" insert " , 13A ".

        (5) In Article 13(1) (power to make community service order subject to sentencing
        requirements), after "13" insert " , 13A ".

        (6) In Article 15(1) (power to make combined probation and community service order
        subject to certain sentencing requirements), after "13" insert " , 13A ".

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Counter-Terrorism Act 2008 (c. 28)

65   In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences
        attracting notification requirements), in paragraph (a), after sub-paragraph (iii)
        insert—

                          "(iiia) a serious terrorism sentence under Article 13A(6) of that
                                  Order (offenders under 21 convicted of certain serious
                                  terrorist or terrorism-related offences),".

Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

66   (1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

        (2) In Article 3 (interpretation of Part 2 (sentencing)), in paragraph (1), after the
            definition of "serious harm" insert—

                ""serious terrorism sentence" has the meaning given by Article 13A;".

        (3) In Article 4 (interpretation of Chapter 2 (custodial sentences))—
            (a)   in paragraph (1) (as amended by Part 9 of this Schedule), in paragraph (c) of
                   the definition of "custodial sentence", after "13(4)(b)," insert " 13A(6), ";
            (b)   in paragraph (2), after sub-paragraph (a) insert—
                          "(aa)   a sentence falls to be imposed under Article 13A if, because
                                  the court is of the opinions mentioned in paragraphs (1)(d)
                                  and (3) of that Article and is not of the opinion mentioned
                                  in paragraph (2) of that Article, the court is obliged to pass
                                  a sentence complying with that Article;".

        (4) In Article 5(1)(b) (sentences not subject to general restriction on imposing custody),
            in paragraph (i), for "or 14" substitute " , 13A or 14 ".

        (5) In Article 7(2) (as amended by Part 9 of this Schedule) (custodial term to be shortest
            commensurate with seriousness of offence), in paragraph (2), after "Articles" insert
            13A,".

        (6) In Article 8(1)(a) (as amended by Part 9 of this Schedule) (setting of custodial
            period), after "other than" insert " a serious terrorism sentence, ".

        (7) In Article 9(2) (pre-sentence reports before forming opinion as to dangerousness),
            after "13(1)(b)" insert " , 13A(1)(d) ".

        (8) In Article 13(3) (duty to impose indeterminate custodial sentence), in the words
            before paragraph (a), after "extended custodial sentence" insert " or a serious
            terrorism sentence ".

        (9) In Article 14 (extended custodial sentences)—
            (a)   in paragraph (1)(b)—
                       (i) at the end of paragraph (i), for "; and" substitute " or serious
                           terrorism offences; ";
                       (ii) in paragraph (ii), after "specified offence" insert " or serious
                            terrorism offence ";
                       (iii) at the end of paragraph (ii) insert "; and
                                          (iii) where the offence, or an offence associated
                                                with it, is a serious terrorism offence, that
                                                the case is not one in which the court is

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required by Article 13A to pass a serious terrorism sentence.”;

    (b)   in paragraphs (3)(b) and (5)(b), after “specified offences” insert “ or serious terrorism offences ”;

    (c)   in paragraph (10), for the words from “that is” to the end substitute “ with which the offence is punishable (apart from Article 13) ”.

(10) In Article 15(1) (cases where assessment of dangerousness required)—

    (a)   in sub-paragraph (a), after “specified offence” insert “ or serious terrorism offence ”;

    (b)   in sub-paragraph (b), after “13” insert “ , 13A ”.

(11) In Article 16(2) (interpretation of Chapter 4 (release on licence)), in paragraph (c) of the definition of “custodial sentence” (as amended by Part 9 of this Schedule), after “13(4)(b),” insert “ 13A(6), ”.

(12) In Article 33(6) (custodial periods to be aggregated in case of consecutive sentences), in sub-paragraph (a)(i) (as amended by Part 9 of this Schedule)—

    (a)   after “in relation to” insert “ a serious terrorism sentence, ”;

    (b)   after “Article” insert “ 13A, ”.

Changes to legislation:
There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, PART 8.