



# Counter-Terrorism and Sentencing Act 2021

## 2021 CHAPTER 11

### PART 1

#### SENTENCING OF TERRORIST AND CERTAIN OTHER OFFENDERS

#### *Life or indeterminate sentences for serious terrorism offences*

#### **12 Minimum punishment part for serious terrorism offenders: Scotland**

After section 205ZA of the Criminal Procedure (Scotland) Act 1995 (inserted by section 6) insert—

#### **“205ZB Minimum punishment part where life sentence imposed for serious terrorism offence**

- (1) This section applies where—
  - (a) section 205ZA(1)(a) to (d) and (f) applies in relation to a person, and
  - (b) the court—
    - (i) imposes a sentence of imprisonment for life or a sentence of detention for life in a young offenders institution on the person, or
    - (ii) makes an order for lifelong restriction in respect of the person.
- (2) In making under section 2(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 an order mentioned in section 2(2) of that Act in respect of the offender, the court must specify a punishment part of at least 14 years (but subject to subsection (3) and section 196(1C) of this Act).
- (3) The punishment part may be less than 14 years if the court is of the opinion that there are exceptional circumstances which—
  - (a) relate to the offence or to the offender, and

**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 12. (See end of Document for details)

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- (b) justify a lesser period.
- (4) Before forming an opinion for the purposes of section 205ZA(1)(d) (by virtue of subsection (1)), the court must—
- (a) consider a report by a relevant officer of a local authority about the offender and the offender's circumstances, and
  - (b) if the court thinks it necessary, hear that officer.
- (5) In this section, “local authority” and “relevant officer” have the meanings given by section 27 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.”

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 12.