

# Counter Terrorism and Sentencing Bill

## Fact sheet

### Introduction

1. The terror attacks at Fishmongers Hall on 29 November 2019 and in Streatham on 2 February 2020 demonstrate the risk the UK faces from terrorism. Each attack was committed by a known terrorist offender who had been automatically released from custody at the halfway point of their sentence. Following the Streatham attack, we acted swiftly to introduce the Terrorist Offenders (Restriction of Early Release) Act ("TORER Act"), putting an end to the automatic early release of terrorist offenders in England, Wales, and Scotland. However, the TORER Act was only the first stage of our legislative response to these attacks.
2. The next stage of our legislative response, the Counter-Terrorism and Sentencing Bill, will further strengthen the approach taken to the sentencing and release of terrorism offenders. It will ensure that serious and dangerous terrorism offenders will spend longer in custody, properly reflecting the seriousness of the offences they have committed. This provides both better protection for the public, and more time in which to support their disengagement and rehabilitation through the range of tailored interventions available while they are in prison. The Bill will also improve our ability to manage and monitor those of terrorism concern when they are released, allowing for longer licence periods, and more effective additional interventions where this is required.

### What are the proposed changes?

3. The Bill aims to strengthen every stage in the process of dealing with terrorist offenders across the UK.
4. It ensures that serious and dangerous terrorist offenders will spend longer in custody, by introducing the Serious Terrorism Sentence for the most serious and dangerous terrorist offenders. This sentence carries a minimum of 14 years to be spent in custody, with an extended licence period of up to 25 years, properly reflecting the seriousness of the offences they have committed.
5. This legislation will also remove the possibility of any early release from custody for serious and dangerous terrorist offenders, aged under and over 18, who receive an Extended Determinate Sentence.
6. This legislation also increases the maximum sentence that the court can impose for three terrorism offences (membership of a proscribed organisation, supporting a proscribed organisation, and attending a place used for terrorist training), from 10 to 14 years, properly reflecting the seriousness of this type of offending.
7. It also closes a gap in existing legislation by enabling the courts to find any offence with a maximum penalty of more than two years to have a terrorist connection. This may result in a higher sentence than would otherwise be the case.
8. These measures provide better protection for the public and more time in which to support the disengagement and rehabilitation of terrorism offenders through the range of tailored interventions available while they are in custody.
9. In addition, the Bill will improve the ability to manage and monitor terrorist offenders when they are released, allowing the Government to intervene more effectively where

this is required. Central to this will be extending the scope of the sentence for offenders of particular concern (SOPC) by expanding the list of terrorist and terror-related offences which attract the sentence, and creating an equivalent sentence for offenders aged under 18 in England and Wales, Scotland and Northern Ireland. By doing so, this will ensure terrorist offenders have a minimum period of supervision on licence of 12 months following release.

10. We will increase the maximum licence periods for serious and dangerous terrorist offenders for offenders aged under and over 18, and extend the application of mandatory polygraph testing when on licence to terrorist offenders aged over 18.
11. The Bill's measures will also maximise the effectiveness of the existing disruptions toolkit available to Counter-Terrorism Policing and the Security Service, by strengthening Terrorism Prevention and Investigation Measures, supporting the use of Serious Crime Prevention Orders in terrorism cases, and expanding the list of offences that trigger the Registered Terrorist Offender notification requirements. These changes strengthen our ability to manage the risk posed by those of terrorism concern.
12. Lastly, the Bill removes the current statutory deadline for an independent review of the Prevent programme, while maintaining the legislative commitment to undertake it, to ensure that the new Reviewer has sufficient time to complete the Review. The aim will be to do so by August 2021.

### **Territorial extent**

13. Counter-terrorism is reserved and the provisions in the Bill will apply UK wide – to England and Wales, Scotland and Northern Ireland.

### **Commencement**

14. The following provisions come into force on the day on which the Act is passed—
  - (1) section 3 (and Schedule 3);
  - (2) section 21 (and Schedule 6);
  - (3) section 22;
  - (4) section 23 (and Schedule 7);
  - (5) section 24;
  - (6) section 30;
  - (7) section 47;
  - (8) sections 49 to 51, this section and section 53;
  - (9) the following provisions in Schedule 13 (and section 48 to the extent that it relates to those provisions)—
    - i. Parts 3 and 4 of that Schedule
    - ii. paragraph 19;
    - iii. paragraph 20 other than sub-paragraph 3;
    - iv. paragraph 22;
    - v. paragraph 24 other than sub-paragraph 4(a);
    - vi. paragraphs 26 to 30;
    - vii. Part 9
15. The following provisions come into force at the end of the period of two months beginning with the day on which the Act is passed—
  - (1) section 1 and Schedule 1;
  - (2) section 2 and Schedule 2;

- (3) sections 4 and 5;
- (4) section 6 and Schedule 4;
- (5) sections 7 to 18;
- (6) section 19 and Schedule 5;
- (7) section 20;
- (8) section 26;
- (9) section 27 and Schedule 9;
- (10) section 28 and Schedule 10;
- (11) section 29;
- (12) section 31;
- (13) section 36 and Schedule 11;
- (14) sections 37 to 44;
- (15) section 45 and Schedule 12;
- (16) section 46;
- (17) the following provisions in Schedule 13 (and section 48 to the extent that it relates to those provisions):
  - i. Parts 1 and 2 of that Schedule;
  - ii. paragraphs 20(3), 21, 23, 24(4)(a) and 25;
  - iii. Parts 7 and 8

16. The other provisions of the Act come into force on such day as the Secretary of State may by regulations appoint.