

Criminal Justice and Courts Bill

Fact sheet: Adding certain terrorism-related offences to the enhanced dangerous offender sentencing scheme, and increasing maximum penalties

Introduction

1. The current dangerous offenders sentencing scheme, introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, was commenced in December 2013. It is a tiered scheme – the majority of sexual and violent offences are specified in Schedule 15 and subject to the default provisions of the scheme, but the scheme makes enhanced provision for a list of particularly serious offences which are set out in Schedule 15B to the Criminal Justice Act 2003.
2. Schedule 15B already contains a number of serious terrorism-related offences but the Government considers it is necessary to go further and add certain additional terrorism-related offences to the Schedule (the list of offences is annexed).
3. The Government also considers that it is necessary to increase the maximum penalties for these offences to life, in the cases where life is not already available, to ensure that courts can impose robust sentences on the most serious and dangerous terrorists in a wide range of cases.

What is the current position?

4. Offences which are on Schedule 15B are subject to the following provisions:
 - Those convicted of these offences, if they receive an EDS sentence, must apply to the Parole Board to get early release at the two-thirds point of the custodial term, rather than receiving automatic release at the two-thirds point of the custodial term;
 - A previous conviction for one of these offences satisfies a condition for the imposition of an EDS sentence for a further sexual or violent offence specified in Schedule 15;
 - If an offender is convicted a second time of a Schedule 15B offence, and receives or merits a sentence of at least 10 years on each occasion, he is subject to an automatic life sentence (unless there are exceptional circumstances which would make the imposition of such a sentence unjust in all the circumstances).
5. There are certain potentially serious terrorism-related offences that are not currently on Schedule 15B and are therefore not subject to these provisions.

What are the proposed changes?

6. The Bill will add the terrorism-related offences to Schedule 15B and increase the maximum penalty of these offences to life where it is not already available.
7. Of the offences identified as being of concern, the three that currently do not have a life sentence available are: weapons training for terrorist purposes (Terrorism Act 2006, section 6); weapons training for terrorism (Terrorism Act 2000, section 54); Possession of explosives (Explosive Substances Act 1883, Section 4).
8. Adding the terrorism-related offences to Schedule 15B will mean that offenders will be subject to the Schedule 15B provisions outlined above.

Adding certain terrorism-related offences to the enhanced dangerous offender sentencing scheme, and increasing maximum penalties.

Weapons training for terrorist purposes (Terrorism Act 2000, Section 54)

Training for terrorism (Terrorism Act 2006, Section 6)

Causing an explosion likely to endanger life or property (Explosive Substances Act 1883, Section 2)

Intent to cause an explosion likely to endanger life or property (Explosive Substances Act 1883, Section 3)

Possession of explosives in suspicious circumstances (Explosive Substances Act 1883, Section 4)

Causing bodily injury by gunpowder or other explosive substance (Offences against the Person Act 1861, Section 28)

Causing gunpowder or other explosive substance to explode with intent (Offences against the Person Act 1861, Section 29)