



HM Government

The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2023 by the Independent Reviewer of Terrorism Legislation

December 2025



Government of the United Kingdom

Home Office

The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2023 by the Independent Reviewer of Terrorism Legislation

Presented to Parliament

by the Secretary of State for the Home Department

by Command of His Majesty

December 2025



© Crown copyright 2025

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents.

Any enquiries regarding this publication should be sent to us at public.enquiries@homeoffice.gov.uk.

ISBN 978-1-5286-6132-4

E03509981 12/25

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

Mr Jonathan Hall KC
6KBW College Hill
21 College Hill
London
EC4R 2RP

Dear Mr Hall KC

Review of the Operation of the Terrorism Acts in 2023

Thank you for your sixth annual report as the Independent Reviewer of Terrorism Legislation (IRTL). As is typical of your time in the role, your review of our counter-terrorism legislative framework has been conducted in considerable depth and detail as well as to the highest standards of quality. I am grateful for the analysis and insights that you continue to bring to this important role. During your time in the role your analysis has played a vital role in ensuring that our counter-terrorism framework keeps pace with the modern and evolving threat. Thank you.

Your report on the operation of the Terrorism Acts (TACT) in 2023 makes ten recommendations. I have considered all of these at length, and they have been discussed with operational partners and other government departments where appropriate. Seven of those recommendations have been accepted, two have been partially accepted, and one has not been accepted.

2023 UK Threat Picture

On 9 February 2022, the independent Joint Terrorism Analysis Centre (JTAC) lowered the UK National Threat Level (UKNTL) to SUBSTANTIAL, meaning an attack in the UK is likely. In the previous year, JTAC had raised the UKNTL to SEVERE following two terrorist attacks in the UK in quick succession, in October and November 2021. The Northern Ireland-related Terrorism (NIRT) threat level in Northern Ireland was lowered to SUBSTANTIAL on 6 March 2024.

As set out in the UK's counter-terrorism strategy, CONTEST, the threat from terrorism is increasingly diverse, dynamic and complex. It is also increasingly less predictable, harder to detect and more complex to investigate. This is set

against the backdrop of an operating environment where accelerating technological advances provide both opportunity and risk to our counter-terrorism efforts.

CONTEST seeks to ensure that our counter-terrorism response remains agile in the face of an evolving threat; integrated so that we can bring the right interventions to bear at the right time to reduce risk; and aligned with our international allies to ensure that we deliver hand-in-hand against a common threat.

The appalling Hamas attacks of October 7th, 2023, in Israel demonstrated the reality of how this more diverse and complex threat could manifest. The attacks reinforced the continued importance of working closely across government and with partners to ensure that lessons learned from incidents such as this - alongside the plots that are deterred – inform our strategy and response, ensuring our counter-terrorism capabilities remain fit for purpose.

Aid Agencies

In relation to your recommendation that I meet with the Chancellor and Foreign Secretary to discuss the balance of humanitarian aid and security in relation to terrorism legislation, I welcome and accept this recommendation. The Government is committed to working collaboratively to solve the challenges we face, including how best to strike a balance between protecting UK national security interests at home and abroad while ensuring that the UK continues to play a leading role around the world in peacebuilding, conflict resolution and humanitarian relief. These are issues on which the Foreign Secretary and I routinely work closely together and of course with the Chancellor as required. I also note that my officials are working closely with their counterparts in the FCDO and HM Treasury to consider the most appropriate way to balance these priorities.

Furthermore, I acknowledge the significance of your recommendation that the Government should consult the Tri-Sector Group (TSG) on potential reforms to the Terrorism Act (TACT) 2000, when appropriate opportunities arise. I welcome your role in engaging with the TSG and understand that it is an important forum for dialogue between non-governmental organisations (NGOs), banks and the government on delivering aid in high-risk jurisdictions.

Statistics on terrorism powers

First, I would like to thank you for your continued scrutiny of official statistics relating to the use of police powers under the TACT 2000 and 2006. The publication of statistics has a vital role in ensuring transparency and with it maintaining public confidence in the use of our counter-terrorism powers.

With regard to your recommendation to commence data collection and publication on the use of sections 43B and 43C of TACT 2000, I recognise the value that official statistics can bring in enhancing public understanding of these powers, which were introduced through the Police, Crime, Sentencing and

Courts Act 2022 following the abhorrent terrorist attacks at Fishmongers' Hall and in Streatham. I can confirm that my officials will work closely with Counter Terrorism Policing to support the initiation of data collection on the use of these powers. My Department will provide you with an update in due course on the feasibility of progressing to the publication of this data at a later stage, but future publication is the aspiration.

As you note, the last update for terrorism offences by sentence lengths was published in June 2024 as part of the Home Office's statistical release on the operation of police powers under TACT 2000, publishing official statistics up to March 2024¹. This data is currently not available to the Home Office. Like you, we highly value these statistics, particularly in forming a key part of transparency on the use of CT legislation and to assist in analysing sentencing trends and future policy development. My officials are working to take this recommendation forward, and my Department will provide an update on this to you in due course.

Stopping the travelling public

I welcome your insight on the use of x-rays during Schedule 7 port examinations. This is a complex but important issue, and I agree it must be addressed and accept your recommendation. My officials are now working with Counter Terrorism Policing to explore how best to reflect this in the Schedule 7 Code of Practice, ensuring both clarity for officers and protections for the public. I am also grateful for your analysis on the potential issues for Schedule 7 powers presented by the growth in memory on phones and our ever-increasing reliance on them for daily life. I agree that this is an important issue and accept your recommendation. I can assure you that my officials are already working with operational partners to consider the questions you pose about the retention of phones and the potential for additional safeguards.

Terrorist-connected offenders.

As you note in your report, the Counter-Terrorism Act 2008 introduced a requirement for courts to consider whether a 'terrorist connection' is an aggravating factor when sentencing for a specific set of non-terrorism offences. This requirement was widened through the Counter-Terrorism and Sentencing Act 2021, which expanded the scope to include all non-terrorism offences which carry a maximum penalty of more than 2 years' imprisonment.

The Government has identified a small cohort of offenders whose offences, if they had committed them after the 'terrorist-connection' provisions came into force (that is, after the implementation of the relevant provisions within the Counter-Terrorism Act on 18 June 2009, or 2019 in Northern Ireland), but before the expansion of the scope of those provisions by the Counter-Terrorism and Sentencing Act 2021, the courts would likely have recognised them as 'terrorist-connected'. However, because their offences were committed within a

¹ <https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-march-2024>

particular period, the relevant tools needed to appropriately manage their risk in the event of their release from prison cannot currently be applied to them.

The Crime and Policing Bill contains two relevant measures:

- Introducing a new power for the police, or the Secretary of State, to apply to the courts to permit the application of specific counter-terrorism risk management tools, such as notification requirements and other discrete counter-terrorism police powers, specifically the powers in section 43B and 43C of TACT 2000, to this cohort of offenders.
- Giving the Secretary of State the power to impose a polygraph testing licence condition on this same cohort of offenders.

I note your position that allowing individuals convicted before 2009 of non-terrorism offences to be treated as terrorists, post release, should allow for judicial determination.

For the purposes of applying additional counter-terrorism risk management tools administered by the police to this cohort, the police or a Secretary of State, will be able to apply to the court for an order to the effect that the relevant offence was terrorist-connected. The court will be required to make the order if it is satisfied, based on the evidence available, that the offence was connected to terrorism. Judicial oversight is an important safeguard in this process and ensures the new legislation remains consistent with other similar powers, such as those available to apply notification requirements to foreign offenders who have been convicted of an equivalent terrorism offence overseas.

However, the Crime and Policing Bill will enable the polygraph testing licence condition to be imposed on offenders within the same cohort following a determination by the Secretary of State that they are a historic terrorist-connected offender.

Though different to the designation process for the police powers referenced above, the process for the application of polygraph testing as an additional licence condition has been developed to be consistent with the application of all other licence conditions, including imposition of the polygraph testing licence condition for other offender types, including sex offenders. Eligibility for polygraph testing is informed by factors relating to the offender's conviction, the nature of their offending and the risk of harm and reoffending they pose, such as being assessed as very high or high risk of serious harm.

In comparison, the existing legal framework for notification requirements means they automatically apply where a terrorist connection is determined by a court, and they will apply for a fixed period of up to 30 years. The difference in approach we are taking through these related measures reflects the inherent difference between polygraph testing and notification requirement regimes more widely and supports consistency with existing practices. Should an offender wish to challenge the determination by the Secretary of State that they are a historic terrorist-connected offender then they would have recourse to judicial review.

Therefore, I have accepted your recommendation in relation to judicial determination for notification requirements and certain police powers (power of urgent arrest without warrant pending a recall decision, and power of personal search when required by the offender's licence conditions). The Lord Chancellor has however determined that such designations for the purpose of polygraph testing will remain within the purview of the Lord Chancellor to maintain consistency with wider offender management.

Artificial Intelligence (AI)

I welcome your detailed analysis of Generative AI and the emerging impact it may have on terrorism-related activity and the legislative framework. I note your conclusion that where Generative AI is intended to be used for terrorist purposes, existing terrorism legislation generally provides sufficient coverage, alongside the Serious Crime Act 2007. However, I recognise that there are some practical challenges to using terrorism legislation when applied to 'upstream' actors in the AI ecosystem, for example AI developers or data engineers. I agree that this must be considered as part of the Government's plans to enable innovation and growth of the UK's AI sector while also mitigating the risks that this technology can pose to our society. My Department is already considering how it can legislate against these risks as part of wider AI legislative plans, and I agree to include your recommendation in this work. My Department will continue to engage you on legislative options.

Terrorism Prevention and Investigation Measures (TPIMs)

TPIMs allow for the imposition of a powerful range of disruptive measures on a small number of people who pose a real threat to our security but who cannot be prosecuted or, in the case of foreign nationals, deported. It is right therefore that the use of TPIMs is subject to stringent safeguards, and that all individuals upon whom a TPIM notice is imposed are automatically entitled to a review hearing at the High Court under section 9 of the TPIM Act 2011 relating to the decision to impose the notice and the individual measures in the notice.

Legal aid is vital in ensuring that individuals can challenge these measures fairly, which is a fundamental principle of justice in a democratic society. The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 aims to target legal aid to those who need it most. TPIM cases are in scope for legal aid under LASPO. Legal representation is available subject to means and merits tests, and decisions are made by the Legal Aid Agency (LAA), which is an arms-length body of the MoJ and operates independently of the Government. The Home Office will continue to exercise TPIM powers where necessary to protect national security and cannot agree to suspend the issuance of future TPIM notices unless legal aid funding has been pre-emptively confirmed. The use of TPIMs must remain responsive to operational needs and cannot be contingent on the prior resolution of legal aid arrangements. The Home Office, MoJ and LAA will undertake an internal review of previous legal aid decisions in relation to TPIM cases to assess what, if any, lessons need to be learned and will update you on this review.

Northern Ireland

Thank you for your consideration of counter-terrorism legislation in Northern Ireland. In relation to your recommendation that “consideration is given to using special case management forms in terrorism cases in Northern Ireland, as they are used in England and Wales”, as you note, tackling delays is one of the biggest challenges facing the criminal justice system in Northern Ireland and is a key priority for the Department of Justice. Home Office officials have engaged with the Department of Justice, who accept the recommendation and will be considering this alongside wider reforms.

Recommendations from previous reports

I would also like to use this opportunity to update on some previous recommendations.

In your 2021 report, you recommended that “*Schedule 4 of the Modern Slavery Act (MSA) should be amended so that all terrorism offences are excluded from the ambit of the section 45 defence.*” This recommendation is being taken forward through the Crime and Policing Bill², which is currently in Parliament, where we are seeking to add all further terrorism offences within the scope of Schedule 1 to the Terrorist Offenders (Restriction of Early Release) Act 2020 to Schedule 4 to the MSA.

In your 2021 report, you also recommended that “*a new child violence diversion order should be considered*”, to support the rising numbers of children being brought into the criminal justice system for terrorism related offences. As you are aware, through the Crime and Policing Bill, we are bringing forward legislation to introduce new Youth Diversion Orders. The purpose of these new orders is to offer a diversionary approach to cases involving terrorism-related offending by individuals aged 21 and under, whilst also protecting the public from a risk of terrorism or serious harm, such as serious violence. I am grateful for your continued input and support on this critical issue to date, including your commentary which has helped to explain the risks around this complex cohort to the public. I was also grateful for your evidence submitted at Commons Committee that highlighted the benefits this new tool could bring.

In your report on Terrorism in Prisons, you previously recommended that the Government should consider expanding the offence of displaying or wearing articles, or wearing uniform, which could arouse reasonable suspicion that the individual is a member or supporter of a proscribed organisation (section 13 TACT 2000) to prison settings. In your previous annual report on the Terrorism Acts in 2022, you also recommended that the Government consider expanding the police seizure powers which were introduced in 2019 to support enforcement of this offence. As you recognised in your evidence to the Bill Committee, both of these recommendations have now also been taken forward within the Crime and Policing Bill, alongside the changes to the weapons measure in the TPIM Act 2011 which was an additional recommendation you

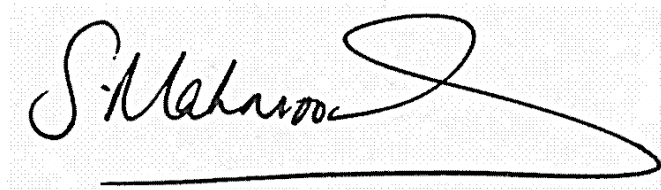
² <https://bills.parliament.uk/bills/3938>

made in your previous annual report and will address an important gap in the legislation.

In your 2022 report you recommended that the “*for information note: operating within counter-terrorism legislation, counter-terrorism sanctions and export control*” should be amended to make reference to the *Director of Public Prosecution’s guidance of October 2022*”. This amendment to the “For information note” has since been implemented³.

I would like to again reiterate my thanks for your 2023 Report and the comprehensive analysis it contains, as well as for your advice given to officials as they have developed the new counter-terrorism measures in the Crime and Policing Bill. I look forward to receiving your forthcoming annual report and continuing to work alongside you in your role as the Independent Reviewer of Terrorism Legislation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Mahmood', with a long horizontal flourish extending to the right.

Home Secretary

³ <https://www.gov.uk/government/publications/operating-within-counter-terrorism-legislation/for-information-note-operating-within-counter-terrorism-legislation>

E03509981

978-1-5286-6132-4