

LORDS AMENDMENTS TO THE
COUNTER-TERRORISM AND SENTENCING BILL

[The page and line numbers are to HL Bill 129, the bill as first printed for the Lords]

Clause 23

- 1 Page 20, line 24, at end insert “(or a sentence of detention without limit of time so imposed)”
- 2 Page 21, line 2, leave out “or (6)”

Clause 29

- 3 Page 25, line 6, leave out from “is” to end of line 9 and insert –
 “(a) a sentence of imprisonment imposed under section 205ZA of the 1995 Act (serious terrorism sentence),
 (b) a sentence of imprisonment imposed under section 205ZC of that Act (terrorism sentence with fixed licence period), or
 (c) an extended sentence imposed under section 210A of that Act in respect of a terrorism offence.”
- 4 Page 25, line 10, after “Part” insert “, except sections 1AB, 1A and 1B,”
- 5 Page 25, line 35, leave out “section 1A(1)(c)” and insert “sections 1A(1)(c) and 1B(11)”
- 6 Page 26, line 8, leave out “means”
- 7 Page 26, line 9, after “prisoner,” insert “means –
 (a) ”
- 8 Page 26, line 11, leave out “205ZC” and insert “section 205ZC of the 1995 Act, or
 (b) the term determined as the custodial term by the court that imposes the extended sentence on the prisoner under section 210A of that Act;”
- 9 Page 26, line 14, after “205ZA” insert “of the 1995 Act”
- 10 Page 26, line 18, after “205ZC” insert “of that Act”

- 11 Page 26, line 20, at end insert—
“(c) in relation to an extended sentence imposed on a terrorist prisoner under section 210A of that Act in respect of a terrorism offence, the period specified as such under that section by the court that imposes the sentence on the prisoner.”

Clause 32

- 12 Page 28, line 30, leave out paragraph (a)
13 Page 29, line 14, leave out paragraph (b)

Clause 33

- 14 Leave out Clause 33

Clause 34

- 15 Leave out Clause 34

Clause 35

- 16 Leave out Clause 35

Clause 37

- 17 Page 34, line 36, leave out “has reasonable grounds for suspecting” and insert “reasonably believes”

Clause 38

- 18 Page 35, line 3, leave out “one or more” and insert “up to three”

After Clause 43

- 19 Insert the following new Clause—

“TPIMs: annual review

- (1) In section 20 of the Terrorism Prevention and Investigation Measures Act 2011 (reviews of the operation of that Act)—
(a) after subsection (1) insert—
“(1A) The independent reviewer must carry out a review under this section in respect of each calendar year starting with 2022 and ending with 2026.
Each review must be completed as soon as reasonably practicable after the year to which it relates.”;
(b) in subsection (2), after “calendar year” insert “after 2026”;
(c) in subsection (4), for “subsection (2)” substitute “this section”;

(d) after subsection (6) insert—

“(7) Subsection (1A) does not require a review to be carried out in respect of any calendar year during the whole of which the Secretary of State’s TPIM powers (within the meaning given by section 21(8)) do not exist because of their expiry or repeal under section 21.”

(2) Subsection (1) does not affect any duty to carry out a review further to a notification given under section 20(2) of the Terrorism Prevention and Investigation Measures Act 2011 before the coming into force of this section.”

Clause 51

20 Page 42, line 25, at end insert—

“(4A) Nothing in subsections (1) to (4) limits the extent within the United Kingdom of any provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006.

(4B) Subsections (1) and (2) of section 384 of the Armed Forces Act 2006 (extent outside the United Kingdom) apply to the armed forces provisions as those subsections apply to the provisions of that Act.

(4C) The following are “armed forces provisions”—

(a) a provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006;

(b) an amendment, modification or repeal made by or under this Act of—

(i) a provision of or made under the Armed Forces Act 2006,

(ii) a provision that amends, modifies or repeals a provision of, or made under, that Act, or

(iii) any other provision, so far as the provision is applied (by whatever words) by or under that Act.”

Clause 52

21 Page 43, line 1, leave out sub-paragraph (i) and insert—

“(i) Part 3 of that Schedule, except as mentioned in subsection (3)(hb);

(ia) Part 4 of that Schedule;”

22 Page 43, line 4, leave out “46 and” and insert “45A to”

23 Page 43, line 27, leave out paragraph (q) and insert—

“(q) sections 31 and 32;”

24 Page 43, line 34, leave out sub-paragraph (i) and insert—

“(i) Part 1 of that Schedule, except as mentioned in subsection (3)(ha);

(ia) Part 2 of that Schedule;”

25 Page 44, line 11, leave out paragraph (h)

- 26 Page 44, line 11, at end insert –
 “(ha) paragraph 6(3)(a) and (3A) of Schedule 13 as they have effect for the purposes mentioned in paragraph (a) above (and section 48 to the extent that it relates to those provisions for those purposes);
 (hb) Part 3 of Schedule 13 as it has effect for the purposes mentioned in paragraph (f) above (and section 48 to the extent that it relates to that Part for those purposes);”

Schedule 2

- 27 Page 52, leave out lines 27 to 35

Schedule 3

- 28 Page 53, line 41, leave out “Articles 20A and 24A” and insert “Article 20A”
29 Page 53, line 44, leave out “those Articles” and insert “Article 20A”

Schedule 11

- 30 Page 93, leave out lines 28 to 32
31 Page 94, line 15, leave out “or (3B)”
32 Page 94, leave out lines 29 to 33
33 Page 94, line 41, leave out “or (4)”
34 Page 95, leave out lines 4 to 10
35 Page 95, line 37, leave out “or (4B)”

Schedule 13

- 36 Page 102, line 13, at end insert –
 “(b) in paragraph (a), for “that Act” substitute “the Counter-Terrorism Act 2008.”
- 37 Page 102, line 34, at end insert –
 “*Counter-Terrorism and Security Act 2015 (c. 6)*
 2A In section 44(2)(e) of the Counter-Terrorism and Security Act 2015 (provisions subject to review by the independent reviewer of terrorism legislation), for “Schedule 1” substitute “Schedules A1 and 1”.”
- 38 Page 103, line 5, leave out paragraph 5
- 39 Page 103, line 19, at end insert –
 “(3A) In Schedule 22, paragraph 4 (prospective addition of offences to Schedule 1 to the Code), and the heading above it, are repealed to the extent that paragraph 4 is not yet in force when section 1 of this Act comes into force.”
- 40 Page 104, line 20, leave out paragraph (b)

- 41 Page 104, line 30, at end insert –
- “(6A) In section 255C (extended sentence prisoners and those not suitable for automatic release) –
- (a) for the heading, substitute “Prisoners not suitable for automatic release”;
 - (b) in subsection (1)(a), after “prisoner” insert “or a serious terrorism prisoner (see section 255A(7) and (7A))”.”
- 42 Page 106, line 40, leave out sub-paragraph (13)
- 43 Page 107, line 20, leave out sub-paragraph (16)
- 44 Page 108, line 11, at end insert –
- “(21) In section 417(3) (commencement of provisions of Schedule 22 which relate to prospective abolition of sentences of detention in a young offender institution) –
- (a) in paragraph (a), for “38” substitute “38B”;
 - (b) in paragraph (d), for “268” substitute “268C”;
 - (c) in paragraph (f), after “paragraphs” insert “68A,”.
- (22) In Schedule 22 (amendments of the Sentencing Code, including in relation to the prospective abolition of sentences of detention in a young offender institution) –
- (a) for paragraph 36 substitute –

“36 In section 15 (committal for sentence of dangerous adult offenders) –

 - (a) in subsection (1)(b), omit –
 - (i) “of detention in a young offender institution or”;
 - (ii) “266 or”;
 - (b) in subsection (1A), omit “268A or”.”;
 - (b) in paragraph 37 (amendments of section 59 of the Code) –
 - (i) for “59(2)(h)” substitute “59(2)”;
 - (ii) after “court” insert “ –
 - (a) in paragraph (ga), for “sections 268B and” substitute “section”;
 - (b) in paragraph (h),”;
 - (c) in paragraph 38 (amendments of section 61 of the Code), after sub-paragraph (a) insert –

“(aa) in subsection (2B), omit “268C(2)(b) or”.”;
 - (d) after paragraph 38 insert –

“38A In section 73(2A) (reduction in serious terrorism sentence for guilty plea), omit “268C(2) or, as the case may be,”.

38B In section 74(4A) (reduction in serious terrorism sentence for assistance to prosecution), omit “268C(2) or”.”;
 - (e) in paragraph 40 (amendments of section 166 of the Code), for “paragraphs 3 and 4” substitute “entries 3, 4 and 4A”;

- (f) in paragraph 46 (amendments of section 231 of the Code), at the end insert –
 - “(d) in subsection (6A), for “sections 268C(2)(b) and” substitute “section.”;
- (g) after paragraph 57 insert –
 - “57A In section 282A (serious terrorism sentence of imprisonment: persons 21 or over), in the heading omit “: persons 21 or over”.
 - 57B In section 282B (serious terrorism sentence of imprisonment: circumstances in which required), omit subsection (1)(c).”;
- (h) in paragraph 62 (amendments of section 308(1) of the Code), after paragraph (a) insert –
 - “(aa) in paragraph (aa), omit “268B or”;
- (i) after paragraph 68 insert –
 - “68A In section 323 (minimum term order: other life sentences) –
 - (a) in subsection (4), omit “268B(2) or” in both places;
 - (b) in subsection (6)(b), omit “268B(2) or”.
- (j) in paragraph 70 (amendments of section 329 of the Code) –
 - (i) after the opening words insert –
 - “(za) in subsection (3), for “(4) to (5A)” substitute “(4), (4A) and (5)”;
 - (ii) after paragraph (a) insert –
 - “(aa) omit subsection (5A).”;
 - (iii) in paragraph (b), after “(e)” insert “, (ea)”;
- (k) in paragraph 72 (amendments of section 397(1) of the Code) –
 - (i) the words from “in the definition” to the end become sub-paragraph (a);
 - (ii) at the end insert –
 - “(b) in the definition of “serious terrorism sentence”, omit paragraph (a) (including the word “or” immediately after that paragraph).”;
- (l) for paragraph 73 (amendments of section 399 of the Code) substitute –
 - “73 In section 399 (mandatory sentences) –
 - (a) in paragraph (b) –
 - (i) in the opening words, omit “, custody for life”;
 - (ii) in sub-paragraph (i), omit “, 274”;
 - (iii) in sub-paragraph (ii), omit “273 or”;
 - (b) in paragraph (ba), omit “268B or”.

- (m) before paragraph 80 (amendment of Schedule 18 to the Code) insert—

“79A In Schedule 17A (serious terrorism offences), after paragraph 24 insert—

“Space Industry Act 2018

24A An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—

- (a) paragraph 1 (hijacking of spacecraft);
 - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
 - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
 - (d) paragraph 4 (endangering safety at spaceports).”;
- (n) in paragraph 101 (amendment of section 37 of the Mental Health Act 1983)—
- (i) in sub-paragraph (1), omit “, as amended by paragraph 73 of Schedule 24”;
 - (ii) in sub-paragraph (2), for “273” substitute “268A, 273”;
 - (iii) in sub-paragraph (3), after “(1B)” insert “—
 - “(a) in paragraph (aa), omit “section 268A or” and “282B(2) or”;
 - (b) ”.”

45 Page 108, line 15, leave out sub-paragraph (1)

46 Page 108, line 16, after “398” insert “of the Sentencing Act 2020”

47 Page 108, line 17, at end insert—

“(2A) The amendment made by sub-paragraph (2) does not apply where a person is convicted of an offence before the day on which this paragraph comes into force.”

48 Page 108, line 18, leave out sub-paragraph (3)

49 Page 110, line 35, leave out paragraph (a) and insert—

“(a) in subsection (6A)(a), for “265” substitute “252A, 265”;

50 Page 114, line 17, at end insert—

“(25A) In section 417(3) (commencement of provisions of Schedule 22 which relate to prospective abolition of sentences of detention in a young offender institution), in paragraph (c), after “51” insert “, 51A”.

(25B) In Schedule 22 (amendments of the Sentencing Code, including in relation to prospective abolition of sentences of detention in a young offender institution)—

- (a) after paragraph 51 insert—

“51A In section 252A (special sentence of detention for terrorist offenders of particular concern aged under 18), in subsection (4), for “21” substitute “18”.”;

- (b) in paragraph 70 (amendment of section 329 of the Sentencing Code in relation to the prospective abolition of sentences of detention in a young offender institution), before paragraph (a) insert –

“(zb) in subsection (4A), omit paragraph (b) (and the word “or” immediately before it);”.

51 Page 115, line 19, leave out sub-paragraph (1)

52 Page 115, line 20, after “section 5” insert “of the Rehabilitation of Offenders Act 1974”

53 Page 115, line 24, at end insert –

“33A(1) The Rehabilitation of Offenders Act 1974 as it forms part of the law of Scotland is amended as follows.

(2) In section 5 (rehabilitation periods for particular sentences) –

- (a) in subsection (1)(d), after “or section 209” insert “or 224B”;
- (b) in subsection (2F)(a)(ii), after “209” insert “or 224B”.

(3) In section 5B (Table B - disclosure periods: service disciplinary cases), in the sixth entry of Table B, after “209” insert “or 224B”.

54 Page 119, line 41, at end insert –

“(4A) In section 418 (commencement of provisions of Schedule 26 in relation to prospective abolition of sentences of detention in a young offender institution) after subsection (2) insert –

“(2A) Paragraphs 13A, 20A and 24A (and paragraph 1 so far as it relates to them) also come into force at that time.”

(4B) In Schedule 25 (amendments of Armed Forces Act 2006), omit paragraph 45(5).

(4C) In Schedule 26 (further amendments of the Armed Forces Act 2006 in relation to prospective abolition of sentences of detention in a young offender institution) –

(a) after paragraph 13 insert –

“13A In section 219ZA (serious terrorism sentence for offenders aged 18 or over) –

- (a) in subsection (1)(e), omit “a sentence of custody for life or (as the case may be)”;
- (b) omit subsections (4) to (6);
- (c) in subsection (7), omit “Where the offender is aged 21 or over when convicted of the serious terrorism offence.”;

(b) in paragraph 14 (amendments of section 219A of the 2006 Act), for sub-paragraph (a) substitute –

“(a) in subsection (1) –

- (i) in paragraph (d), omit sub-paragraphs (i) and (iii);
- (ii) in paragraph (da), omit sub-paragraph (i);”;

- (c) in paragraph 15(a) (amendments of section 224A of the 2006 Act), after paragraph (ii) insert –
- “(iii) in sub-paragraph (iii), for “detention or imprisonment under section 268A or 282A” substitute “imprisonment under section 282A”.”;
- (d) in paragraph 18 (amendment of section 239 of the 2006 Act), after “pleas” insert “–
- (a) in subsection (3A), omit –
- (i) “(4) or”;
- (ii) “268A or”;
- (b) in subsection (3B), omit “268C(2) or, as the case may be,”;
- (c) ”;
- (e) in paragraph 19 (amendments of section 260 of the 2006 Act) –
- (i) in sub-paragraph (a), after paragraph (ii) insert –
- “(iia) in paragraph (ca), omit “268A or”.”;
- (ii) for sub-paragraph (b) substitute –
- “(b) in subsection (4B) –
- (i) in paragraph (za), omit “268C(2) or”;
- (ii) in paragraph (a), omit “268(2) or”.”;
- (f) in paragraph 20 (amendments of section 261 of the 2006 Act), at the end insert –
- “(c) in paragraph (ba), omit “268A or”.”;
- (g) after paragraph 20 insert –
- “20A In section 261A(3) (life sentences: further provision) –
- (a) in paragraph (b), omit “268B(2) or”;
- (b) in paragraph (c)(i), omit “268B(2) or”.”;
- (h) in paragraph 21 (amendments of section 262A of the 2006 Act), for the words from “, in subsection (4)” to the end substitute –
- “(a) in subsection (2A), omit paragraph (b);
- (b) omit subsection (3A);
- (c) in subsection (4), omit paragraphs (d), (da), (e) and (f) treated as substituted in subsection (7) of section 329 of the Sentencing Code.”;
- (i) after paragraph 24 insert –
- “24A In section 304C (to be inserted by the Armed Forces Act 2016: reduction in sentence), in subsection (5A) –
- (a) omit “268C(2) or”;
- (b) for “section 219ZA(5) to (8)” substitute “section 219ZA(8)”.”

- “(2A) In section 250 (licence conditions) –
- (a) in subsection (5A), in each of paragraphs (a) and (b), after “a prisoner” insert “, other than a terrorist prisoner,”;

(b) after subsection (5A) insert—

“(5AA) Subsection (5B) also applies to a licence granted, either on initial release or after recall to prison, to a terrorist prisoner in a case where the licence is granted following a direction of the Board for the prisoner’s release.”;

(c) omit subsection (5BA);

(d) after subsection (8) insert—

“(9) In this section “terrorist prisoner” means a prisoner to whom section 247A applies, or would apply but for the prisoner’s having been released on licence.””

56 Page 122, line 2, at end insert—

“Social Work (Scotland) Act 1968 (c. 49)

45A In section 6A(1)(d) of the Social Work (Scotland) Act 1968 (inquiries into detention of children under certain enactments), after “44” insert “, 205ZC(5)”.

57 Page 122, line 2, at end insert—

“Rehabilitation of Offenders Act 1974 (c. 53)

“45B In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of England and Wales (rehabilitation periods for particular sentences), in subsection (1)(d)—

(a) for “Act 1975” substitute “Act 1995”;

(b) for the words from “section 206” to the end substitute “section 205ZC(5) or 208 of the Criminal Procedure (Scotland) Act 1995”.

45C In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of Scotland (rehabilitation periods for particular sentences)—

(a) in subsection (1)(da), after “section” insert “205ZA(6) (serious terrorism sentence for young offenders), 205ZC(4) or (5) (terrorism sentence for young offenders or children),”;

(b) in subsection (12), in paragraph (b) of the definition of “custodial sentence”, after “44,” insert “205ZA(6), 205ZC(4) or (5),”.

58 Page 122, line 7, at end insert—

“(1) The Prisons (Scotland) Act 1989 is amended as follows.”

59 Page 122, line 8, leave out “of the Prisons (Scotland) Act 1989”

60 Page 122, line 18, at end insert—

“(3) In section 40(3)(a) (arrest of absent prisoners: application of section to persons sentenced or ordered to be detained under certain provisions of the 1995 Act), after “205” insert “, 205ZC(5)”.

61 Page 122, line 21, at end insert—

“(1A) In section 1 (release of short-term, long-term and life prisoners)—

(a) in subsection (3A), for “section 1A” substitute “sections 1A and 1B”;

- (b) in subsection (9), after “applies” insert “to the extent that the person is serving a sentence of imprisonment imposed in respect of an offence within section 1AB(2)”.

(2A) In section 1AA (release of certain sexual offenders), for subsection (9) substitute—

“(9) This section is subject to section 1B.”

62 Page 123, line 3, at end insert—

“(5B) Subsection (4) is subject to sections 1A and 1B.”

63 Page 123, line 6, leave out sub-paragraph (3) and insert—

“(3) In the heading of section 1A, after “to” insert “certain”.

(3A) After section 1A insert—

“1B Prisoners serving consecutive sentences including at least one terrorism sentence

- (1) This section applies where—
- (a) a prisoner has been sentenced to two or more terms of imprisonment which are to be served consecutively on each other,
 - (b) one or more of the sentences (the “terrorism sentence”) was imposed in respect of an offence within section 1AB(2), and
 - (c) the sentences were imposed on the same occasion or, where they were imposed on different occasions, the prisoner has not been released under this Part at any time during the period beginning with the first and ending with the last of those occasions.
- (2) If the prisoner is serving a terrorism sentence and a sentence imposed in respect of an offence that is not within section 1AB(2) (a “non-terrorism sentence”), the terrorism sentence is to be served (or, where subsection (7) applies, treated as being served) after the non-terrorism sentence irrespective of when the sentences were imposed.
- (3) Where subsection (2) applies, the prisoner is to be taken to begin serving the custodial part of the terrorism sentence (or first such sentence) as soon as the prisoner has served the custodial part of the non-terrorism sentence.
- (4) If (but for this section) the prisoner would have been released on licence under this Part in respect of a non-terrorism sentence, the period during which the prisoner would have been on licence under this Part is to be served concurrently with the custodial part of the terrorism sentence.
- (5) The prisoner may not be released under this Part in respect of the terrorism sentence unless and until the prisoner has served the aggregate of—
- (a) if the prisoner is serving a non-terrorism sentence, the custodial part of the sentence, and
 - (b) the custodial part of each terrorism sentence that the prisoner is serving.

- (6) Subsection (7) applies where –
 - (a) a non-terrorism sentence is imposed on the prisoner (the “new sentence”), and
 - (b) the prisoner has already served part of the custodial part of a terrorism sentence (the “served part”).
- (7) The prisoner is to be treated as having served –
 - (a) where the served part is less than the custodial part of the new sentence, such part of the custodial part of the new sentence as is equal to the served part,
 - (b) where the served part is equal to the custodial part of the new sentence, the custodial part of the new sentence,
 - (c) where the served part exceeds the custodial part of the new sentence –
 - (i) the custodial part of the new sentence, and
 - (ii) so much of the custodial part of the terrorism sentence as is equal to the amount by which the served part exceeds the custodial part of the new sentence.
- (8) Nothing in this Part requires –
 - (a) the Scottish Ministers to release the prisoner in respect of any of the terms of imprisonment unless and until they are required to release the prisoner in respect of each of the other terms of imprisonment,
 - (b) the Scottish Ministers or the Parole Board to consider the prisoner’s release in respect of any of the terms of imprisonment unless and until the Ministers are or the Board is required to consider the prisoner’s release, or the Ministers are required to release the prisoner, in respect of each of the other terms.
- (9) If the prisoner is released on licence under this Part the prisoner is to be on licence, on and after the release, until the prisoner would, but for the release, have served a term equal in length to the aggregate length of the term of imprisonment of any non-terrorism sentence and the term or, as the case may be, terms of imprisonment for the terrorism sentence or sentences less the period mentioned in subsection (10).
- (10) The period is –
 - (a) any period served concurrently in accordance with subsection (4), and
 - (b) if (but for this section) the prisoner would have been released unconditionally under section 1(1) in respect of a non-terrorism sentence, the period equal to one-half of the term of that sentence.
- (11) Where a prisoner to which this section applies is released on licence under this Part (other than a licence under section 3AA), the release is to be on a single licence which is to be subject to such conditions as may be specified or required by this Part in relation to all the sentences in respect of which the prisoner has been so released.

- (12) In this section “custodial part”, in relation to a term of imprisonment means a period equal to the part of the term that (but for this section) the prisoner would be required to serve before –
- (a) the Scottish Ministers are required to release the prisoner under this Part, or
 - (b) the Parole Board is first entitled under this Part to make a recommendation that the prisoner be released on licence under this Part.
- (13) In this section –
- (a) references to a non-terrorism sentence include references to two or more such sentences that are treated as a single term by virtue of section 27(5) (whether imposed before, after or both before and after a terrorism sentence), and
 - (b) where subsection (7) applies, the references in that subsection to the “custodial part of the new sentence” include references to the custodial part of the single term.
- (14) This section applies to a prisoner on whom sentence was imposed before the day on which paragraph 48(3A) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021 came into force as it applies to a prisoner on whom sentence was imposed on or after that day.”

64 Page 123, line 50, at end insert –

- “(a) in the case of a prisoner to whom section 1AB(3) applies, or
 (b) in the case of a prisoner to whom section 1AB(3) does not apply by virtue of section 1AB(2A), before the day on which the Scottish Ministers are required to release the prisoner under section 26ZA(5).”

65 Page 124, line 8, at end insert –

“(5A) In section 3A (re-release of prisoners serving extended sentences) –

- (a) in the heading, after “serving” insert “certain terrorism sentences and”;
- (b) in subsection (1), for the words from “an” to “sentences)” substitute “a sentence mentioned in subsection (1ZA)”;
- (c) after subsection (1) insert –

“(1ZA) The sentences are –

- (a) a sentence imposed under section 205ZA of the 1995 Act (serious terrorism sentence);
 - (b) a sentence imposed under section 205ZC of that Act (terrorism sentence with fixed licence period);
 - (c) an extended sentence under section 210A of that Act.”;
- (d) in subsection (3), after “term with” insert “the sentence under section 205ZA or, as the case may be, section 205ZC or”;

- (e) in subsection (4), for the words from “if” to the end substitute –
- “(a) where –
- (i) the prisoner is serving a sentence imposed under section 205ZA or 205ZC of the 1995 Act or an extended sentence under section 210A of that Act in respect of a terrorism offence, and
- (ii) the Board is satisfied that the condition in subsection (4A) is met (but not otherwise),
- direct that the prisoner should be released;
- (b) where –
- (i) the prisoner is serving an extended sentence under section 210A of that Act in respect of a sexual or violent offence, and
- (ii) the Board is satisfied that the condition in subsection (4B) is met (but not otherwise),
- direct that the prisoner should be released.”;
- (f) after subsection (4) insert –
- “(4A) The condition is that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (4B) The condition is that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined.”
- (5B) In section 3B (review of decisions as to determinate sentences) –
- (a) in subsection (1)(a), after “from” insert “a sentence imposed under section 205ZC of the 1995 Act or”;
- (b) in subsection (1)(b) –
- (i) after “serving” insert “a sentence imposed under section 205ZC of the 1995 Act or”;
- (ii) after “sentence”, in the second place it occurs, insert “or extended sentence”;
- (c) in subsection (4)(b), after “relates to” insert “a sentence imposed under section 205ZC of the 1995 Act or”.”

66 Page 124, line 11, leave out “omit the words “Subject to subsection (2A),”” and insert “for “subsection (2A)” substitute “section 1B””

67 Page 124, line 12, at end insert –

“(c) in subsection (4), after “1A” insert “, 1B”.”

68 Page 124, line 28, at end insert –

“(za) in subsection (3) –

(i) after “(2) above” insert “or, as the case may be, section 1AB(4) or 26ZA(5)(a)”;

(ii) after “sentence)” insert “or, as the case may be, before the date on which the sentence under section 205ZC(5) as originally imposed by the court expires”;

(iii) after “so elapses” insert “or, as the case may be, the sentence under section 205ZC(5) expires””

- 69 Page 124, line 35, at end insert –
“(aa) in subsection (5), after paragraph (a) (but before the final “and”) insert –
“(aa) sections 3A and 3B of this Act apply to children on whom detention has been imposed under section 205ZC(5) of the 1995 Act as they apply to long-term prisoners;”
- 70 Page 124, line 35, at end insert –
“(ab) in subsection (5)(b), after “1A” insert “, 1B;”
- 71 Page 124, line 41, leave out “(3) to (5) and” and insert “(2) and (3) to”
- 72 Page 124, line 42, leave out from “insert” to end of line 9 on page 125 and insert ““to the extent that detention is imposed on the person under section 205ZC(5) of the 1995 Act.”;
(d) after subsection (8) insert –
“(9) This section is subject to section 1B.””
- 73 Page 125, line 11, at end insert –
“(9A) In section 26A (extended sentences: application of section) –
(a) in subsection (1), after “sentences)” insert “other than an extended sentence imposed in respect of a terrorism offence.”;
(b) in subsection (2), for “section 1A” substitute “sections 1A and 1B”;
(c) in subsection (6), for “section 1A(c)” substitute “sections 1A(1)(c) and 1B(11).”
- 74 Page 125, line 15, leave out from “in” to end of line 17 and insert “relation to a sentence passed on a person –
(a) in respect of an offence within section 1AB(2), and
(b) on or after the coming into force of paragraph 48(3A) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021.”
- 75 Page 125, line 17, at end insert –
“(5B) In determining, for the purposes of subsection (5), whether a sentence passed on a person in respect of an offence (other than an offence within section 1AB(2)) is to be treated as part of a single term, any sentence passed on the person in respect of an offence within section 1AB(2) is to be ignored.””
- 76 Page 125, line 36, at end insert –
“(b) in each of paragraphs 10(2)(a) and (5)(a) and 11(2)(a) and (4)(a) –
(i) after “1A,” insert “1B,”;
(ii) after “21,” insert “26ZA.””
- 77 Page 125, line 41, at end insert –
“(b) after “1A,” insert “1B,”;
(c) after “10” insert “, 26ZA.””

LORDS AMENDMENTS TO THE
Counter-Terrorism and Sentencing Bill

*Ordered, by The House of Commons,
to be Printed, 12th March 2021.*

© Parliamentary copyright 2021

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright.*