

Counter-Terrorism and Sentencing Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 23

LORD WOLFSON OF TREDEGAR

Page 20, line 24, at end insert “(or a sentence of detention without limit of time so imposed)”

Member’s explanatory statement

This amendment clarifies that new section 205ZC of the Criminal Procedure (Scotland) Act 1995 does not apply where an offender aged under 18 is sentenced to detention without limit of time for a terrorism offence.

Page 21, line 2, leave out “or (6)”

Member’s explanatory statement

This is a consequential amendment required as a result of the amendments already made to the Bill to limit the availability of the new terrorism sentence introduced by Clause 23 to cases of conviction on indictment.

Clause 32

LORD WOLFSON OF TREDEGAR

Page 28, line 30, leave out paragraph (a)

Member’s explanatory statement

This amendment and the amendment at page 29, line 14 are consequential on the removal of Clause 35.

Page 29, line 14, leave out paragraph (b)

Member’s explanatory statement

See the explanatory statement to the amendment at page 28, line 30.

Clause 33

LORD WOLFSON OF TREDEGAR

Lord Wolfson of Tredegar gives notice of his intention to oppose the Question that Clause 33 stand part of the Bill.

Member's explanatory statement

This removes Clause 33 of the Bill (polygraph licence conditions for terrorist offenders in Scotland).

Clause 34

LORD WOLFSON OF TREDEGAR

Lord Wolfson of Tredegar gives notice of his intention to oppose the Question that Clause 34 stand part of the Bill.

Member's explanatory statement

This removes Clause 34 of the Bill (polygraph licence conditions for terrorist offenders in Northern Ireland).

Clause 35

LORD WOLFSON OF TREDEGAR

Lord Wolfson of Tredegar gives notice of his intention to oppose the Question that Clause 35 stand part of the Bill.

Member's explanatory statement

This removes Clause 35 of the Bill (supplementary provision about polygraph licence conditions for terrorist offenders) in consequence of the removal of Clauses 33 and 34.

Clause 52

LORD WOLFSON OF TREDEGAR

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;”

Member's explanatory statement

This is consequential on the amendment at page 44, line 11.

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

Member's explanatory statement

This amendment is consequential on the amendments at page 122, line 2.

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

“(q) sections 31 and 32;”

Member's explanatory statement

This amendment will ensure that Clause 32 of the Bill (polygraph conditions for terrorist offenders: England and Wales) comes into force 2 months after Royal Assent (rather than by regulations).

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;”

Member's explanatory statement

This is consequential on the insertion made by the amendment at page 44, line 11.

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

Member's explanatory statement

This amendment is consequential on the removal of Clauses 33 to 35 of the Bill and on the amendment at page 43, line 27.

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);”

Member's explanatory statement

This amendment ensures that consequential amendments made by Schedule 13, so far as they relate to provisions in the Bill which will be brought into force by regulations, will also be brought into force by regulations.

Schedule 2

LORD WOLFSON OF TREDEGAR

Page 52, leave out lines 27 to 35

Member's explanatory statement

This amendment removes references to offences in the Space Industry Act 2018 from Schedule 17A to the Sentencing Code (serious terrorism offences). References to those offences will instead be inserted on their commencement by Schedule 22 to the Sentencing Act 2020 (see the amendment at page 108, line 11) so that they are dealt with consistently by the Sentencing Act 2020.

Schedule 3

LORD WOLFSON OF TREDEGAR

Page 53, line 41, leave out “Articles 20A and 24A” and insert “Article 20A”

Member's explanatory statement

This amendment and the amendments at page 53, line 44, page 95, line 4 and page 95, line 37 are consequential on the removal of Clause 34.

Page 53, line 44, leave out “those Articles” and insert “Article 20A”

Member's explanatory statement

See the explanatory statement for the amendment at page 53, line 41.

Schedule 11

LORD WOLFSON OF TREDEGAR

Page 93, leave out lines 28 to 32

Member's explanatory statement

This amendment, and the amendments at page 94, line 15, page 94, line 29 and page 94, line 41 are consequential on the removal of Clause 33.

Page 94, line 15, leave out “or (3B)”

Member's explanatory statement

See the explanatory statement for the amendment at page 93, line 28.

Page 94, leave out lines 29 to 33

Member's explanatory statement

See the explanatory statement for the amendment at page 93, line 28.

Page 94, line 41, leave out “or (4)”

Member's explanatory statement

See the explanatory statement for the amendment at page 93, line 28.

Page 95, leave out lines 4 to 10

Member's explanatory statement

See the explanatory statement for the amendment at page 53, line 41.

Page 95, line 37, leave out “or (4B)”

Member's explanatory statement

See the explanatory statement for the amendment at page 53, line 41.

Schedule 13

LORD WOLFSON OF TREDEGAR

Page 102, line 13, at end insert —

“(b) in paragraph (a), for “that Act” substitute “the Counter-Terrorism Act 2008.””

Member's explanatory statement

This amendment makes a further consequential amendment to section 23A of the Terrorism Act 2000 needed as a result of Clause 1 of the Bill.

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”.”

Member's explanatory statement

This amends the list of terrorism legislation which is subject to review by the independent reviewer to include the new Schedule A1 inserted into the Sentencing Code by Schedule 1 to the Bill.

Page 103, line 5, leave out paragraph 5.

Member's explanatory statement

This removes a repeal to Schedule 2 to the Sentencing (Pre-Consolidation Amendments) Act 2020 that has already been made by the Sentencing Act 2020.

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.”

Member's explanatory statement

This repeals a prospective amendment to the Sentencing Code made by Schedule 22 to the Sentencing Act 2020. The repealed amendment will be unnecessary if not yet in force when Clause 1 of the Bill comes into force.

Page 104, line 20, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment at page 121, line 17.

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))”.”

Member's explanatory statement

This makes a consequential amendment to section 255C of the Criminal Justice Act 2003 reflecting the fact that those serving serious terrorism sentences will not be eligible for automatic further release after recall to prison.

Page 106, line 40, leave out sub-paragraph (13)

Member's explanatory statement

This removes an unnecessary amendment to the Sentencing Code.

Page 107, line 20, leave out sub-paragraph (16)

Member's explanatory statement

This removes an unnecessary amendment to the Sentencing Code.

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 –

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- “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”;

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- (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) ”.”

Member’s explanatory statement

This makes further amendments to Schedule 22 to the Sentencing Act 2020 (prospective amendments to the Sentencing Code in connection with the abolition of detention in a young offender institution) in consequence of the introduction by clauses 4 and 5 of serious terrorism sentences in England and Wales.

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

Member’s explanatory statement

This is consequential on the amendment at page 108, line 18.

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

Member’s explanatory statement

This is consequential on the amendment at page 108, line 18.

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.”

Member’s explanatory statement

This ensures that the transitional provision set out in Clause 21(2) in relation to the introduction of the new Schedule 13 to the Sentencing Code by that Clause also applies to the related consequential amendment.

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

Member’s explanatory statement

This leaves out an amendment to the Sentencing Act 2020 which is consequential on Schedule 8 to the Bill rather than Clause 21 (see also amendment at page 119, line 41).

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

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

Member’s explanatory statement

This adjusts a consequential amendment to section 264 of the Criminal Justice Act 2003 to reflect an amendment made to that provision by the Sentencing Act 2020.

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);”.

Member’s explanatory statement

This makes further amendments to the Sentencing Act 2020 which are consequential on the introduction of the new sentence for offenders of particular concern aged under 18 at the time of the offence by Clause 22.

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

Member’s explanatory statement

This is consequential on the amendment at page 115, line 24

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

Member’s explanatory statement

This is consequential on the amendment at page 115, line 24

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”.

Member’s explanatory statement

This makes amendments to section 5 of the Rehabilitation of Offenders Act 1974 as it extends to Scotland, to ensure that section deals with the service equivalent of the new sentence for offenders of particular concern aged under 18 at the time of the offence, introduced by Part 3 of Schedule 8 to the Bill.

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”.”;

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- (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)”.”

Member’s explanatory statement

This amendment makes further amendments, to the provisions of the Sentencing Act 2020 dealing with the abolition of detention in a young offender institution, which are consequential on the provisions of the Bill dealing with sentencing under service law.

Page 121, line 17, at end insert –

- “(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.”

Member’s explanatory statement

This amends section 250 of the Criminal Justice Act 2003 so that the Parole Board will set the licence conditions for all prisoners to whom section 247A of that Act applies (restricted eligibility for early release) whose release is directed by the Board.

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)”.

Member’s explanatory statement

This amendment enables an inquiry to be held under section 6A of the Social Work (Scotland) Act 1968 into the detention of a child under the new terrorism sentence introduced by Clause 23.

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),”.

Member’s explanatory statement

This makes amendments to section 5 of the Rehabilitation of Offenders Act 1974 so that it will deal with the new sentences introduced by Clauses 6 and 23.

Page 122, line 7, at end insert –

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

Member’s explanatory statement

This amendment is consequential on the amendment at page 122, line 18.

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

Member’s explanatory statement

This amendment is consequential on the amendment at page 122, line 18.

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)”.

Member’s explanatory statement

This amendment amends section 40(3)(a) of the Prisons (Scotland) Act 1989 so as to make section 40 applicable in relation to children sentenced to detention under the new terrorism sentence introduced by Clause 23.

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 –

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- (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”.”

Member’s explanatory statement

This amendment amends sections 3A and 3B of the Prisoners and Criminal Proceedings (Scotland) Act 1993 in consequence of the new terrorism sentences introduced by Clauses 6 and 23.

Page 124, line 35, at end insert –

- “(aa) in subsection (5), after paragraph (a) (but before the final “and”) insert –

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“(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;”;

Member’s explanatory statement

This amendment amends section 7(5) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 so as to ensure that sections 3A and 3B of that Act apply in relation to children who are sentenced to detention under the new terrorism sentence introduced by Clause 23.

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15 January 2021
