

Press release: Further 9 terror-related offences added to Unduly Lenient Sentence scheme

Changes to the Unduly Lenient Sentence (ULS) scheme mean that people found guilty of crimes such as tipping off terrorists about an investigation, or flouting terror prevention court orders, could see their sentences increased if victims or the public think the punishment is too light.

The plans announced today (29 December 2017) follow an extension in July which added 19 terror offences to the scheme, with Ministers acting to ensure sentences reflect the devastating impact terrorism has on victims and communities.

Justice Minister Dominic Raab said:

We keep counter-terrorism powers under constant review. These changes will strengthen our ability to punish and deter those who tip off individuals involved in terrorism, and reinforce the conditions imposed by the authorities on individuals subject to monitoring, supervision or control.

The scheme gives anyone the power to ask the Attorney General to review a sentence, who can then decide to refer a case to the Court of Appeal for reconsideration.

In 2016, a record 141 criminals had their sentences increased, helping victims and their families get justice. This is a small proportion of the 80,000 Crown Court cases heard each year, where in the clear majority the judiciary get it right, but the ULS scheme is there to allow adjustment of those sentences where an increase is warranted.

The new crimes announced today include instances where a person learns of terrorist activity through their trade, profession or employment, and fails to report this information to the police. For example, an accountant discovering a client may be funding terror. They also include offences related to breaching orders imposed to protect the public from terrorism, for instance someone suspected of involvement in terrorist activity overseas, who returns to the UK, in breach of travel restrictions.

The decision to add 9 further terror offences builds on a manifesto pledge to widen the scheme. Next month will see the first case referred to the Court of Appeal by the Attorney General, made possible through the expansion in July.

Attorney General Jeremy Wright QC said:

The Unduly Lenient Sentencing Scheme added over 400 years of imprisonment to criminal sentences last year.

While in the vast majority of cases sentencing judges get it right, the ULS scheme gives anyone the ability to challenge sentences within the scheme they think are too low and I'm pleased that more offences will now be included.

Notes to editors

- The ULS allows the Attorney General (AG) to review sentences given by the Crown Court in England and Wales.
- The AG has 28 days to consider the sentence and make a decision whether to refer. If the AG decides to refer the case to the Court of Appeal to review the sentence, the court can decide whether the sentence should stay the same, or if it is unreasonably low, can increase it.
- In July, 19 terror offences were added to scheme, including encouraging terrorism and sharing terrorist propaganda.
- The scheme will now be extended to a further nine terror related offences. The new crimes involve failing to disclose information about offences relating to terrorist property, breaching terrorism-related orders, and offences to dangerous articles and making threats. In total, 27 people have been convicted for all of these offences since 2010.
- The changes will come into force on 29 January 2018.

Table of new offences in scope

Offence	Description	Max penalty (yrs)
Terrorism Act 2000 s19	Failure to disclose information on 'terrorist property'- knowledge of which gained through their trade, profession or employment	5
Terrorism Act 2000 s21A	Failure to disclose information on 'terrorist property'- knowledge of which gained through work in the 'regulated sector' (e.g. financial business)	5
Terrorism Act 2000 s21D	Tipping off a terrorist from information obtained in the regulated sector	2
Terrorism Act 2000 s39	Tipping off any person of a terrorist investigation	5
Counter-Terrorism Act 2008 s54	Failure to comply with notification	5
Terrorism Prevention and Investigation Measures Act 2011 s23	Failure to comply with a Terrorism Prevention and Investigation Measure (TPIM)	5

Offence	Description	Max penalty (yrs)
Counter-Terrorism and Security Act 2015 s10	Contravening a Temporary Exclusion Order (TEO) or not complying with restriction after return to the UK	5
Aviation Security Act 1982 s4	Offences related certain dangerous articles	7
Anti-Terrorism, Crime and Security Act 2001 s114	Hoaxes involving noxious substances	7