

Annex C: Draft guidelines

Preparation of Terrorist Acts

Terrorism Act 2006 (section 5)

This is a serious specified offence for the purposes of sections 224 and 225(2) (life sentence for serious offences) of the Criminal Justice Act 2003.

This is an offence listed in Part 1 of Schedule 15B for the purposes of sections 224A (life sentence for second listed offence) of the Criminal Justice Act 2003.

This is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

This is an offence listed in Schedule 18A for the purposes of section 236A (special custodial sentence for certain offenders of particular concern) of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: 3 years' custody – Life Imprisonment (minimum term 40 years)

This guideline applies only to offenders aged 18 and older
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STEP ONE**Determining the offence category**

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> Acting alone, or significant participant, in terrorist activity where preparations are complete or almost complete
B	<ul style="list-style-type: none"> Acting alone, or significant participant, in terrorist activity where preparations are well-advanced but not complete or almost complete Lesser participant in terrorist activity where preparations are complete or almost complete Offender travels abroad for terrorist purposes Offender coordinates others to take part in terrorist activity in the UK or abroad (where not falling within A)
C	<ul style="list-style-type: none"> Lesser participant in terrorist activity where preparations are well-advanced but not complete or almost complete Act(s) of significant assistance or encouragement to other(s) (where not falling within A or B) Determined attempt(s) to travel abroad to engage in terrorist activity (whether in the UK or elsewhere)
D	<ul style="list-style-type: none"> Offender has engaged in very limited preparation of terrorist activity Act(s) of limited assistance or encouragement to other(s)

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

Category 1	<ul style="list-style-type: none"> Endangerment of life
Category 2	<ul style="list-style-type: none"> Widespread and serious damage to property or economic interests Substantial impact upon civic infrastructure
Category 3	<ul style="list-style-type: none"> Other cases where characteristics for categories 1 or 2 are not present

STEP TWO – Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page. ***Offenders committing offences at the upper end of seriousness are likely to be found dangerous and so the table below includes options for life sentences and/ or extended sentences. The court must however have regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 to make the appropriate determination before imposing such sentences. (See step FIVE below). Where a dangerousness finding is not made a determinate sentence approximately twice the length of the minimum term should be imposed, and section 236A Criminal Justice Act 2003 should be considered. This guidance does not intend to restrict a court from imposing such sentences in any case where it is appropriate to do so.**

Harm	Culpability			
	A	B	C	D
1	<p>Starting point</p> <p>Life imprisonment with a minimum term of 35 years*</p> <p>Category range</p> <p>Life imprisonment with minimum term of 30 – 40 years*</p>	<p>Starting point</p> <p>Life imprisonment with minimum term of 20 years*</p> <p>Category range</p> <p>Life imprisonment with a minimum term 15 – 25 years. Or a determinate sentence of 30- 40 years with an extension period of 5 years*</p>	<p>Starting point</p> <p>Life imprisonment with minimum term of 15 years or a determinate sentence of 25 years with an extension period of 5 years*</p> <p>Category range</p> <p>Life imprisonment with minimum term 10 – 20 years. Or a determinate sentence of 20-30 years with an extension period of 5 years*</p>	<p>Starting point</p> <p>15 years' custody with an extension period of 5 years*</p> <p>Category range</p> <p>10 – 20 years with an extension period of 5 years*</p>
2	<p>Starting point</p> <p>25 years with an extension period of 5 years*</p> <p>Category range</p> <p>20 – 30 years with an extension period of 5 years*</p>	<p>Starting point</p> <p>20 years with an extension period of 5 years*</p> <p>Category range</p> <p>15 – 25 years with an extension period of 5 years*</p>	<p>Starting point</p> <p>15 years' custody with an extension period of 5 years*</p> <p>Category range</p> <p>10 – 20 years' custody with an extension period of 5 years*</p>	<p>Starting point</p> <p>8 years' custody</p> <p>Category range</p> <p>6 – 10 years' custody</p>
3	<p>Starting point</p> <p>16 years' custody</p> <p>Category range</p> <p>12 – 20 years</p>	<p>Starting point</p> <p>12 years' custody</p> <p>Category range</p> <p>8 – 16 years' custody</p>	<p>Starting point</p> <p>8 years' custody</p> <p>Category range</p> <p>6 – 10 years' custody</p>	<p>Starting point</p> <p>4 years' custody</p> <p>Category range</p> <p>3 – 6 years' custody</p>

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Many lives endangered
- Recent and/or repeated possession or accessing of extremist material
- Communication with other extremists
- Deliberate use of encrypted communications or similar technologies in order to facilitate the commission of the offence and/or avoid or impede detection
- Indoctrinated or encouraged others
- Preparation was with a view to engage in combat with UK armed forces
- Taking or preparing to take equipment abroad to be used in violent action
- Conduct in preparation includes the actual or planned commission of other offences, where not taken into account in step one
- Failed to respond to warnings
- Failure to comply with court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Good character and/or exemplary conduct
- Offender coerced
- Clear evidence of a change of mind set prior to arrest
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

Dangerousness

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX

Special custodial sentence for certain offenders of particular concern (section 236A)

Where the court does not impose a sentence of imprisonment for life or an extended sentence, but does impose a period of imprisonment, the term of the sentence must be equal to the aggregate of the appropriate custodial term and a further period of 1 year for which the offender is to be subject to a licence.

STEP SEVEN**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP EIGHT**Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

STEP NINE**Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP TEN**Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Explosive Substances (Terrorism only)

Causing explosion likely to endanger life or property

Explosive Substances Act 1883 (section 2)

Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property

Explosive Substances Act 1883 (section 3)

This is a serious specified offence for the purposes of sections 224 and 225(2) (life sentence for serious offences) of the Criminal Justice Act 2003.

This is an offence listed in Part 1 of Schedule 15B for the purposes of sections 224A (life sentence for second listed offence) of the Criminal Justice Act 2003.

This is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

This is an offence listed in Schedule 18A for the purposes of section 236A (special custodial sentence for certain offenders of particular concern) of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: 3 years' custody – Life Imprisonment (minimum term 40 years)

<p>This guideline applies only to offenders aged 18 and older</p>

STEP ONE**Determining the offence category**

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> Offender caused an explosion or used, developed or was in possession of a viable explosive device Acting alone or significant participant in terrorist activity involving explosives, where preparations are complete or almost complete
B	<ul style="list-style-type: none"> Offender took significant steps towards creating an explosion or developing or obtaining a viable explosive device Acting alone or significant participant in terrorist activity involving explosives where preparations are well-advanced but not complete or almost complete Lesser participant in terrorist activity involving explosives where preparations are complete or almost complete
C	<ul style="list-style-type: none"> Lesser participant in terrorist activity operation involving explosives where preparations are well-advanced but not complete or almost complete Act(s) of significant assistance or encouragement to another/ others involved in causing, developing or possessing an explosive device (where not falling within A or B)
D	<ul style="list-style-type: none"> Offender took very limited steps toward creating an explosion or developing or obtaining a viable explosive device Offender has engaged in very limited preparation of terrorist activity involving explosives Act(s) of limited assistance or encouragement to other(s)

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

Category 1	<ul style="list-style-type: none">• Endangerment of life
Category 2	<ul style="list-style-type: none">• Widespread and serious damage to property or economic interests• Substantial impact upon civic infrastructure
Category 3	<ul style="list-style-type: none">• Other cases where characteristics for categories 1 or 2 are not present

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STEP TWO – Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page. ***Offenders committing offences at the upper end of seriousness are likely to be found dangerous and so the table below includes options for life sentences and/ or extended sentences. The court must, however have regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 to make the appropriate determination before imposing such sentences. (See step FIVE below). Where a dangerousness finding is not made a determinate sentence approximately twice the length of the minimum term should be imposed, and section 236A Criminal Justice Act 2003 should be considered. This guidance does not intend to restrict a court from imposing such sentences in any case where it is appropriate to do so.**

Harm	Culpability			
	A	B	C	D
1	<p>Starting point Life imprisonment with a minimum term of 35 years*</p> <p>Category range Life imprisonment with minimum term of 30 – 40 years*</p>	<p>Starting point Life imprisonment with minimum term of 20 years*</p> <p>Category range Life imprisonment with a minimum term 15 – 25 years. Or a determinate sentence of 30 – 40 years with an extension period of 5 years*</p>	<p>Starting point Life imprisonment with minimum term of 15 years or a determinate sentence of 25 years with an extension period of 5 years*</p> <p>Category range Life imprisonment with minimum term 10 – 20 years. Or a determinate sentence of 20 – 30 years with an extension period of 5 years*</p>	<p>Starting point 15 years' custody with an extension period of 5 years*</p> <p>Category range 10-20 years with an extension period of 5 years*</p>
2	<p>Starting point 25 years with an extension period of 5 years*</p> <p>Category range 20 – 30 years with an extension period of 5 years*</p>	<p>Starting point 20 years with an extension period of 5 years*</p> <p>Category range 15 – 25 years with an extension period of 5 years*</p>	<p>Starting point 15 years' custody with an extension period of 5 years*</p> <p>Category range 10 – 20 years' custody with an extension period of 5 years*</p>	<p>Starting point 7 years' custody</p> <p>Category range 5 -10 years' custody</p>
3	<p>Starting point 16 years' custody</p> <p>Category range 12 – 20 years' custody</p>	<p>Starting point 12 years' custody</p> <p>Category range 8 – 16 years' custody</p>	<p>Starting point 8 years' custody</p> <p>Category range 6 – 10 years' custody</p>	<p>Starting point 4 years' custody</p> <p>Category range 3 years – 6 years' custody</p>

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Many lives endangered
- Recent and/or repeated possession or accessing of extremist material
- Communication with other extremists
- Deliberate use of encrypted communications or similar technologies in order to facilitate the commission of the offence and/or avoid or impede detection
- Indoctrinated or encouraged others
- Failed to respond to warnings
- Failure to comply with court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Offender coerced
- Clear evidence of a change of mind set prior to arrest
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

Dangerousness

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX

Special custodial sentence for certain offenders of particular concern (section 236A)

Where the court does not impose a sentence of imprisonment for life or an extended sentence, but does impose a period of imprisonment, the term of the sentence must be equal to the aggregate of the appropriate custodial term and a further period of 1 year for which the offender is to be subject to a licence.

STEP SEVEN**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP EIGHT**Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

STEP NINE**Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP TEN**Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Encouragement of Terrorism

Encouragement of terrorism

Terrorism Act 2006 (section 1)

Dissemination of terrorist publications

Terrorism Act 2006 (section 2)

Triable either way

Maximum: 7 years' custody

Offence range: 6 months' custody – 6 years' custody

This guideline applies only to offenders aged 18 and older

STEP ONE**Determining the offence category**

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> Offender in position of trust, authority or influence and abuses their position to encourage others Intended to encourage others to engage in terrorist activity Intended to provide assistance to others to engage in terrorist activity
B	<ul style="list-style-type: none"> Reckless as to whether others would be encouraged or assisted to engage in terrorist activity <i>and</i> published statement/disseminated publication widely
C	<ul style="list-style-type: none"> Other cases where characteristics for categories A or B are not present

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

Category 1	<ul style="list-style-type: none"> Evidence that others have acted on or been assisted by the encouragement Statement/ terrorist publication directly encourages or assists terrorist activity which endangers life
Category 2	<ul style="list-style-type: none"> Statement/terrorist publication indirectly encourages or glorifies terrorist activity which endangers life Statement/terrorist publication directly encourages or assists terrorist activity not endangering life
Category 3	<ul style="list-style-type: none"> Statement/terrorist publication indirectly encourages or glorifies terrorist activity not endangering life Other cases where characteristics for categories 1 or 2 are not present

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability		
	A	B	C
Category 1	Starting point 5 years' custody	Starting point 4 years' custody	Starting point 3 years' custody
	Category range 4 – 6 years' custody	Category range 3 – 5 years' custody	Category range 2 – 4 years' custody
Category 2	Starting point 4 years' custody	Starting point 3 years' custody	Starting point 2 years' custody
	Category range 3 – 5 years' custody	Category range 2 – 4 years' custody	Category range 1 – 3 years' custody
Category 3	Starting point 3 years' custody	Starting point 2 years' custody	Starting point 1 year's custody
	Category range 2 – 4 years' custody	Category range 1 – 3 years' custody	Category range 6 months – 2 years' custody

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Specifically targeted audience
- Vulnerable/ impressionable audience
- Communication with known extremists
- Significant volume of terrorist publications published or disseminated
- Used multiple social media platforms to reach a wider audience
- Failure to respond to warnings
- Failure to comply with court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Offender coerced
- Clear evidence of a change of mind set prior to arrest
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SIX

Ancillary orders

In all cases the court should consider whether to make ancillary orders.

STEP SEVEN

Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT

Consideration for time spent on bail (tagged curfew)

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Proscribed Organisations

Membership

Terrorism Act 2000 (section 11)

Triable either way

Maximum: 10 years' custody

Offence range: 6 months' custody – 9 years' custody

This guideline applies only to offenders aged 18 and older

STEP ONE

Determining the offence category

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> Prominent member of organisation
B	<ul style="list-style-type: none"> Active (but not prominent) member of organisation
C	<ul style="list-style-type: none"> All other cases

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

There is no variation in the level of harm caused. Membership of any organisation which is concerned in terrorism either through the commission, participation, preparation, promotion or encouragement of terrorism is inherently harmful.

STEP TWO

Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability		
	A	B	C
Category 1	Starting point 7 years' custody	Starting point 5 years' custody	Starting point 2 years' custody
	Category range 5 – 9 years' custody	Category range 3 – 6 years' custody	Category range 6 months – 4 years' custody

The table below contains a non-exhaustive list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Length of time over which offending was committed
- Failure to respond to warnings
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Clear evidence of a change of mind set prior to arrest
- Unaware that organisation was proscribed
- Pressured or coerced into becoming a member
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SIX

Ancillary orders

In all cases the court should consider whether to make ancillary orders.

STEP SEVEN

Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT

Consideration for time spent on bail (tagged curfew)

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

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Proscribed Organisations

Support

Terrorism Act 2000 (section 12)

Triable either way

Maximum: 10 years' custody

Offence range: 6 months' custody – 9 years' custody

This guideline applies only to offenders aged 18 and older

STEP ONE

Determining the offence category

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> • Offender in position of trust, authority or influence and abuses their position • Persistent efforts to gain significant support for organisation • Encourages specific activities which endanger life
B	<ul style="list-style-type: none"> • Arranged or played a significant part in the arrangement of a meeting/event aimed at gaining significant support for organisation • Specifically targeted audience in an attempt to gain significant support for organisation • Targeted a wide audience in an attempt to gain significant support for organisation • Encourages specific activities causing widespread and serious damage to property, economic interests or activities which would impact upon civic infrastructure
C	<ul style="list-style-type: none"> • Lesser cases where characteristics for categories A or B are not present

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

Category 1	<ul style="list-style-type: none"> • Gained significant support for the organisation
Category 2	<ul style="list-style-type: none"> • All other cases

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability		
	A	B	C
Category 1	Starting point 7 years' custody	Starting point 5 years' custody	Starting point 2 years' custody
	Category range 5 – 9 years' custody	Category range 3 – 6 years' custody	Category range 1 – 4 years' custody
Category 2	Starting point 5 years' custody	Starting point 3 years' custody	Starting point 1 year's custody
	Category range 3 – 6 years' custody	Category range 2 – 5 years' custody	Category range 6 months – 2 years' custody

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Vulnerable/impressionable audience
- Failure to respond to warnings
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Offender coerced
- Clear evidence of a change of mind set prior to arrest
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SIX

Ancillary orders

In all cases the court should consider whether to make ancillary orders.

STEP SEVEN

Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT

Consideration for time spent on bail (tagged curfew)

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Funding Terrorism

Fundraising

Terrorism Act 2000 (section 15)

Use and Possession

Terrorism Act 2000 (section 16)

Funding Arrangements

Terrorism Act 2000 (section 17)

Money Laundering

Terrorism Act 2000 (section 18)

Triable either way

Maximum: 14 years' custody

Offence range: 1 – 14 years' custody

This guideline applies only to offenders aged 18 and older

STEP ONE

Determining the offence category

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> • A significant role where offending is part of a group activity • Involvement of others through pressure or influence • Abuse of position of power, trust or responsibility • Sophisticated nature of offence/significant planning • Activities took place over a sustained period of time
B	<ul style="list-style-type: none"> • Cases whose characteristics fall between A and C
C	<ul style="list-style-type: none"> • Performed limited function under direction • Involved through coercion, intimidation or exploitation • Very little or no planning

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

Category 1	<ul style="list-style-type: none"> • Money or property made, or was likely to make, a significant contribution to furthering terrorism • Use or provision of false or fraudulent identification • Use or provision of money or property to fund or assist activity which involved risk to life
Category 2	<ul style="list-style-type: none"> • Widespread and serious damage to property/economic interests or substantial impact upon civic infrastructure • All other cases whose characteristics fall between 1 and 3
Category 3	<ul style="list-style-type: none"> • Money or property made, or was likely to make, a minor contribution to furthering terrorism

STEP TWO

Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability		
	A	B	C
Category 1	Starting point 12 years' custody	Starting point 9 years' custody	Starting point 7 years' custody
	Category range 10 – 14 years' custody	Category range 8 – 10 years' custody	Category range 6 – 8 years' custody
Category 2	Starting point 9 years' custody	Starting point 7 years' custody	Starting point 4 years' custody
	Category range 8 – 10 years' custody	Category range 6 – 8 years' custody	Category range 2 – 5 years' custody
Category 3	Starting point 7 years' custody	Starting point 4 years' custody	Starting point 2 years' custody
	Category range 6 – 8 years' custody	Category range 2 – 5 years' custody	Category range 1 – 3 years' custody

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Failure to respond to warnings
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SIX**Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

STEP SEVEN**Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT**Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Failure to Disclose Information about Acts of Terrorism

Terrorism Act 2000 (section 38B)

Triable either way

Maximum: 5 years' custody

Offence range: 6 months' – 5 years' custody

This guideline applies only to offenders aged 18 and older

STEP ONE

Determining the offence category

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> Failed to pass on information which could have prevented an act of terrorism
B	<ul style="list-style-type: none"> Failed to pass on information which could have secured the apprehension, prosecution or conviction of a person associated with terrorism

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused or was intended** to be caused.

Category 1	<ul style="list-style-type: none"> Information related to a terrorist act involving the endangering of life or serious injury Information related to a terrorist act involving substantial impact to economic interests or civic infrastructure
Category 2	<ul style="list-style-type: none"> All other cases

STEP TWO

Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability	
	A	B
Category 1	Starting point 4 years' custody	Starting point 3 years' custody
	Category range 3 – 5 years' custody	Category range 2 – 4 years' custody
Category 2	Starting point 3 years' custody	Starting point 2 years' custody
	Category range 2 – 4 years' custody	Category range 6 months – 3 years' custody

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Many lives endangered
- Lengthy period of time over which offender held the information
- Failure to respond to warnings
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character
- Offender was pressured or coerced into concealing the information
- Offender discloses information but not as soon as was reasonably practicable
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR

Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SIX

Ancillary orders

In all cases the court should consider whether to make ancillary orders.

STEP SEVEN

Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT

Consideration for time spent on bail (tagged curfew)

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Possession for Terrorist Purposes

Terrorism Act 2000 (section 57)

This is a serious specified offence for the purposes of sections 224 and 225(2) (life sentence for serious offences) of the Criminal Justice Act 2003.

This is an offence listed in Part 1 of Schedule 15B for the purposes of sections 224A (life sentence for second listed offence) of the Criminal Justice Act 2003.

This is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

This is an offence listed in Schedule 18A for the purposes of section 236A (special custodial sentence for certain offenders of particular concern) of the Criminal Justice Act 2003.

Triable either way

Maximum: 15 years' custody

Offence range: 1 – 14 years' custody

<p>This guideline applies only to offenders aged 18 and older</p>

STEP ONE

Determining the offence category

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> • Possession of article(s) indicates that offender's preparations for terrorist activity are complete or almost complete • Offender is a significant participant in the commission, preparation or instigation of an act of terrorism
B	<ul style="list-style-type: none"> • Cases falling between A and C
C	<ul style="list-style-type: none"> • Possession of article(s) indicates that offender has engaged in very limited preparation toward terrorist activity • Offender is of limited assistance or encouragement to others who are preparing for terrorist activity

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused, intended or risked**.

Category 1	<ul style="list-style-type: none"> • Article(s) had potential to facilitate an offence causing loss of life, serious injury or a substantial impact to the economy or civic infrastructure
Category 2	<ul style="list-style-type: none"> • All other cases

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability		
	A	B	C
Category 1	Starting point 10 years' custody	Starting point 7 years' custody	Starting point 4 years' custody
	Category range 8 – 14 years' custody	Category range 5 – 9 years' custody	Category range 2 – 6 years' custody
Category 2	Starting point 6 years' custody	Starting point 4 years' custody	Starting point 2 years' custody
	Category range 4 – 8 years' custody	Category range 2 – 6 years' custody	Category range 1 – 3 years' custody

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Article has the potential to endanger many lives
- Length of time over which offending was committed
- Failure to respond to warnings
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Clear evidence of a change of mind set prior to arrest
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR**Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX**Special custodial sentence for certain offenders of particular concern (section 236A)**

Where the court does not impose a sentence of imprisonment for life or an extended sentence, but does impose a period of imprisonment, the term of the sentence must be equal to the aggregate of the appropriate custodial term and a further period of 1 year for which the offender is to be subject to a licence.

STEP SEVEN**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP EIGHT

Ancillary orders

In all cases the court should consider whether to make ancillary orders.

STEP NINE

Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP TEN

Consideration for time spent on bail (tagged curfew)

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Collection of Terrorist Information

Terrorism Act 2000 (section 58)

Triable either way

Maximum: 10 years' custody

Offence range: 6 months' – 9 years' custody

This guideline applies only to offenders aged 18 and older

STEP ONE

Determining the offence category

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category, the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A	<ul style="list-style-type: none"> Offender collected, made a record of, or was in possession of information for use in terrorist activity where preparations are well advanced
B	<ul style="list-style-type: none"> Offender collected, made a record of, or was in possession of information for use in terrorist activity, but had engaged in limited preparation Offender gathered, collected, made a record of or was in possession of information intending to assist others engaging in terrorist activity Offender repeatedly accessed extremist material (where not falling within A)
C	<ul style="list-style-type: none"> The offender had no terrorist connections or motivation and had no intention to use or share the information

Harm

The court should consider the factors set out below to determine the level of harm that has been **caused, intended or risked**.

Category 1	<ul style="list-style-type: none"> Information is useful to those planning to engage in terrorist activity causing loss of life, serious injury or involving substantial impact to the economy or civic infrastructure
Category 2	<ul style="list-style-type: none"> All other cases

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Harm	Culpability		
	A	B	C
Category 1	Starting point 7 years' custody	Starting point 5 years' custody	Starting point 2 years' custody
	Category range 5 – 9 years' custody	Category range 3 – 6 years' custody	Category range 1 – 4 years' custody
Category 2	Starting point 5 years' custody	Starting point 3 years' custody	Starting point 1 year's custody
	Category range 3 – 6 years' custody	Category range 2 – 5 years' custody	Category range 6 months – 2 years' custody

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity (*When considering this factor, sentencers should bear in mind the statutory definition of terrorism in section 1 of the Terrorism Act 2000, and should be careful to avoid double counting*)

Other aggravating factors:

- Significant volume of terrorist publications
- Length of time over which offending was committed
- Failure to respond to warnings
- Failure to comply with court orders
- Offence committed on licence or post sentence supervision

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Clear evidence of a change of mind set prior to arrest
- Offender's responsibility substantially reduced by mental disorder or learning disability

STEP THREE

Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR**Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SIX**Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

STEP SEVEN**Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT**Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.