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The Speaker

Rt Hon. Sir Lindsay Hoyle MP

9 July 2025

Dear Lindsay,

Many thanks for your letter of 7 July 2025. Please forgive some of the language below but I wanted to provide vivid examples.

Consider the case of an MP threatened with rape by an X/Twitter user, who claims to have the MP's home address.

The first question is whether this is potentially in the area of terrorism as defined by the Terrorism Act 2000.

Under section 1 Terrorism Act 2000, a tweet can qualify as terrorism because terrorism is the use or threat of action involving serious violence against a person. So no actual violence is required.

To amount to terrorism the threat would firstly need to be designed to influence the government (for example, the MP is an influential backbencher whose views will weigh heavily with government on a particular topic) or designed to intimidate the public or a section of the public (for example, supporters the assisted dying bill; Jews in public life; MPs in general).

Secondly, it would have to be made for the purpose of advancing a political, religious, racial or ideological cause.

Everything turns on the evidence, but evidence of terrorism may be apparent from the tweet, e.g. 'You deserve to be raped, and I know where you live (so watch out tonight when your husband is out), you Zionist bitch, you lot have one chance to vote against assisted dying otherwise watch out'.

Assuming this is in the area of terrorism (a legal concept), one needs to identify an arrest power, or an offence. Suspected terrorists can be arrested and held for up to 14 days. An offence may be under the Terrorism Acts (like encouraging terrorism or preparing acts of terrorism) or the general criminal law (e.g threats to kill) with a terrorist connection (meaning a higher-than-normal sentence on conviction).

Of course, in the real world single tweets will usually not be treated as terrorism, and rightly so. The point (made forcefully by Lord Carlile in the recent debate on Palestine Action) is that

powers of arrest and prosecution allow a wide degree of discretion. But I use the example above to show the width of the terrorism definition.

So when might the decision be made to treat threats to MPs as terrorism in the real world, and what practical consequences might it have?

Consider an independent MP lays an amendment to a Bill (as they are obviously entitled to do) requiring an audit of any government contract to expose dealings with Israeli businesses. An individual launches an online campaign called #WeCanWait saying, 'We have all the time in the world, but no MP who votes against the amendment, or their families will ever be safe in their homes or their offices, and they will suffer like the children of Gaza'. The tag #WeCanWait, with photos of an MP's constituency offices, are posted online and people are encouraged to 'Get ready to deal out some justice'.

In these circumstances, it would be an appropriate exercise of discretion to investigate this conduct as encouraging acts of terrorism.

By way of different example, imagine there is a Southport-type killing and an online group #JusticeForKids threatens to storm Parliament, like the 6 January 2021 US Capitol insurrection, unless the government begins mass deportations of Muslims. The self-appointed leader encourages people to bring weapons to Parliament and to 'get after' MPs in their constituencies.

Again, it would be an appropriate exercise of discretion to investigate this conduct as terrorism. As with the Gaza example above, there are (more than) reasonable grounds to suspect that individuals have encouraged terrorism contrary to section 1 Terrorism Act 2006.

It is possible to think of less dramatic scenarios where terrorism may be the right call.

I am disadvantaged by not knowing what resources are available to investigate and prosecute non-terrorist offences against MPs, so it is hard to specify fully what practical difference a terrorist investigation would make. At the very least, a terrorist (and therefore national security-related) investigation would bring in excellent investigators from Counter-Terrorism Policing, intelligence and capabilities available to the intelligence agencies in support of the investigation, and stronger grounds for obtaining information about subscribers and online history from overseas tech companies.

In answer to your questions:

Q: How, in practical terms, do you envisage counter terrorism provisions being applied to threats against MPs?

A: I hope I have answered that question above. What is required in practice is a decision by the Senior National Coordinator of the Counter Terrorism Policing network that it is appropriate to investigate a matter as terrorism.

Q: What, if any, legislative change would be required to enable this?

A: None.

Q: What criteria or thresholds might be used to determine whether a threat constitutes terrorism and merits being investigated as such, particularly those expressed online?

A: There are no hard boundaries, but I would suggest any coordinated online or coordinated real life attempt to intimidate MPs with threats of violence should at least be considered for investigation as terrorism, in particular where the threat is or appears to be very immediate, or where a campaign is growing, so that it merits an immediate deterrent response.

Q: What are the potential benefits and risks of classifying such threats as terrorism, including any implications for policing and prosecutions?

A: The potential benefits are quicker and more effective investigations with all the resources of expert police (supported by the intelligence agencies) and expert prosecutors. Where there are convictions, then courts will be able to impose higher sentences with a deterrent element. If counter-terrorism police announce that they are investigating an online campaign as terrorism I suspect this will have an immediate dampening effect.

The potential risks are that expectation are ratcheted too high that there will be a terrorist investigation in every case of an online threat (which is not possible); that investigations may scoop up a lot of hapless individuals who lack any capability, diverting resources from more genuine threats to the public; and that there will be allegations of special treatment for MPs and two-tier policing.

Best wishes

Jonathan

Jonathan Hall KC, Independent Reviewer of Terrorism Legislation