

**EXPLANATORY MEMORANDUM TO  
THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT)  
(NO.2) ORDER 2012**

**2012 No. [XXXX]**

1. This explanatory memorandum has been prepared by the Home Department and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This Order amends the Terrorism Act 2000 by adding Ansarul Muslimina Fi Biladis Sudan (Vanguard for the protection of Muslims in Black Africa) (Ansaru) to the list of proscribed organisations in Schedule 2.

2.2 Ansaru is an Islamist terrorist organisation, based in Nigeria, which reportedly emerged in January 2012. The organisation is motivated by an anti-Nigerian Government and anti-Western agenda and is broadly aligned with Al Qa'ida. The organisation is believed to be responsible for the murder, in March 2012, of British national Christopher McManus and his Italian co-worker Franco Lamolinara.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 Part 2 of the Terrorism Act 2000 provides that the Secretary of State may, by Order, add an organisation to the list of proscribed organisations in Schedule 2 to the Act, remove an organisation from that list or amend the Schedule in some other way. Ten orders have been laid previously in 2001, 2002, 2005, 2006, 2007, 2008(2), 2010, 2011 and 2012.

**5. Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

6.1 The Home Secretary, Theresa May, has made the following statement regarding Human Rights:

“In my view the provisions of The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No.2) Order 2012 are compatible with Convention rights”.

## **7. Policy background**

7.1 Section 3 of the Terrorism Act 2000 provides a power to proscribe, by order, an organisation which commits or participates in acts of terrorism, prepares for, promotes or encourages terrorism or is otherwise concerned in terrorism. Section 21 of the Terrorism Act 2006 amended the grounds for proscription in section 3 of the Terrorism Act 2000 to include organisations which unlawfully glorify the commission or preparation of acts of terrorism.

7.2 The Secretary of State has regard to additional criteria in deciding, as a matter of discretion, whether or not to proscribe an organisation. These are:

- The nature and scale of the organisation's activities
- The specific threat that it poses to the UK
- The specific threat that it poses to British nationals overseas
- The extent of the organisation's presence in the UK
- The need to support international partners in the fight against terrorism

7.3 An organisation is proscribed in the UK as soon as the order comes into force. It is a criminal offence for a person to belong to, or invite support for, a proscribed organisation. It is also a criminal offence to arrange a meeting to support a proscribed organisation; or to wear clothing or carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation.

7.4 A proscribed organisation, or any person affected by the proscription of the organisation, may apply to the Secretary of State for deproscription and, if the Secretary of State refuses that application, the applicant may appeal to the Proscribed Organisations Appeal Commission.

## **8. Consultation outcome**

8.1 None.

## **9. Guidance**

9.1 None.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 All proscribed organisations are reviewed on an annual basis.

## **13. Contact**

Any enquiries about the contents of this memorandum should be addressed to: J. Fanshaw, Home Office, 2 Marsham Street, London, SW1P 4DF, telephone: 020 7035 4848.