

EXPLANATORY MEMORANDUM TO
THE PROSCRIBED ORGANISATIONS (NAME CHANGES) ORDER 2011

2011 No. 2688

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 instrument exercises the power to specify another name for organisations that are already proscribed in Schedule 2 to the Terrorism Act 2000 under the names “Al Ghurabaa” and “The Saved Sect”. The alternative name is Muslims Against Crusades.

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

3.1 This instrument breaches the 21 day convention in order to ensure that the name listed in paragraph 2.1 is proscribed as soon as possible after publication of the Order. Any delay between the laying and coming into force of the instrument would alert the organisation to its impending proscription, and is likely in this case to result in pre-emptive action by its members designed to circumvent the provisions of the Terrorism Act 2000 and/or the criminal law.

4. Legislative Context

4.1 Part 2 of the Terrorism Act 2000 allows the Secretary of State by Order, to add an organisation to the list of proscribed organisations in Schedule 2 to the Act, to remove an organisation from that list or to amend the Schedule in some other way. Al-Ghurabaa and The Saved Sect were added to Schedule 2 by S.I. 2006/2016.

4.2 The Act also permits the Secretary of State, by Order, to provide that a name that is not specified in Schedule 2 is to be treated as an alternative name for an organisation that is already proscribed. This is the fourth order made under this power. S.I.2010/34 specified that Al Muhajiroun, Call to Submission, Islam4UK, Islamic Path and the London School of Sharia would be treated as alternative names for Al-Ghurabaa and The Saved Sect.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

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 Section 3(6) of the Terrorism Act 2000 also permits the Secretary of State by order, to provide that a name that is not specified in Schedule 2 of the Terrorism Act 2000 is to be treated as an alternative name for a terrorist organisation that is already proscribed. Article 2 of this Order exercises the power in section 3 (6). It provides that Muslims Against Crusades is to be treated as alternative names for Al-Ghurabaa and The Saved Sect.

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 encourage support for a proscribed organisation. It is also a criminal offence to arrange a meeting in support of a proscribed organisation or to wear clothing or to carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation. Proscription means that the financial assets of the organisation become terrorist property and can be subject to freezing and seizure.

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 Appeals 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

13.1 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 3230.