

EXPLANATORY MEMORANDUM TO
THE PROSCRIBED ORGANISATIONS (NAME CHANGE) ORDER 2019
2019 No. 329

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument is made under the power in section 3(6)(a) of the Terrorism Act 2000 (“TACT”) which permits the Secretary of State to specify names to be treated as other names for an organisation that is already a proscribed organisation listed in Schedule 2 to TACT. The instrument specifies other names for two proscribed organisations: (i) The alternative names for “Revolutionary Peoples’ Liberation Party-Front (Devrimci Halk Kurtulus Partisi-Cephesi) (DHKP-C)”, specified by this instrument, are “Revolutionary People’s Liberation Party-Front (Devrimci Halk Kurtulus Partisi-Cephesi) (DHKP-C)”, “Revolutionary People’s Liberation Front (Devrimci Halk Kurtulus Cephesi) (DHKC)”, “Revolutionary People’s Liberation Party (Devrimci Halk Kurtulus Partisi) (DHKP)” and “Revolutionary People’s Liberation Front/Armed Propaganda Units (Devrimci Halk Kurtulus Cephesi/Silahi Propaganda Birlikleri) (DHKC/SPB)”. (ii) The alternative names for “Islamic State of Iraq and the Levant (Islamic State of Iraq and al-Sham) (Dawat al Islamiya fi Iraq wa al Sham (DAISH))” specified by this instrument are “Jaysh Khalid Bin Walid (JKbW) (JKW)” “Jaysh Khalid bin al-Walid (KBW)” and “Khalid ibn-Walid Army (KBWA)”.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This order comes into force on the day after it is laid before Parliament, and accordingly breaches the 21 day convention. Any significant delay between the laying and coming into force of the instrument would alert the organisations to the impending change to the law that would result in them being recognised as the same as a proscribed organisation, and might result in pre-emptive action, by the organisation’s members, designed to circumvent the provisions of the Terrorism Act 2000 and/or the criminal law. Breaching the 21 day convention will also assist in any prosecutions that may be brought, since the name change order would remove the need for the prosecution, in addition to prove beyond reasonable doubt, in addition to making out the offence in question that these are alternative names under which a proscribed group is operating.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the whole of the United Kingdom.
4.2 The territorial application of this instrument is the whole of the United Kingdom.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 Section 3(3) of TACT allows the Secretary of State, by Order, to add an organisation to the list of proscribed organisations in Schedule 2 to TACT, to remove an organisation from that list or to amend Schedule 2 in some other way.
6.2 Section 3(6) of TACT permits the Secretary of State, by Order, to provide that a name that is not already specified in Schedule 2 is to be treated as an alternative name for an organisation that is already proscribed. This is the twelfth Order made under this power, the first made in respect of DHKP-C and the second in respect of DAISh.
6.3 For an Order under section 3(6) of TACT to be made, specifying a new or additional name under which a proscribed organisation is operating, there must be credible evidence to suggest that:
- the ideology, aims and methods of each of the groups are essentially the same in all material respects;
 - the leaders or key individuals involved in each group are either the same people or are materially the same group of people; and
 - those who are members of each group are also members of the other group (or at the least, that generally speaking is the position).

7. Policy background

What is being done and why?

- 7.1 Section 3(6) of TACT permits the Secretary of State, by Order, to provide that a name that is not specified in Schedule 2 to TACT is to be treated as an alternative name for a terrorist organisation that is already proscribed. Article 2 of this Order provides that “Revolutionary People’s Liberation Party-Front (Devrimci Halk Kurtulus Partisi-Cephesi) (DHKP-C)”, “Revolutionary People’s Liberation Front (Devrimci Halk Kurtulus Cephesi) (DHKC)”, “Revolutionary People’s Liberation Party (Devrimci Halk Kurtulus Partisi) (DHKP)” and “Revolutionary People’s Liberation Front/Armed Propaganda Units (Devrimci Halk Kurtulus Cephesi/Silahli Propaganda Birlikleri) (DHKC/SPB)” are to be treated as alternative names for the proscribed organisation that is listed in Schedule 2 as “Revolutionary Peoples’ Liberation Party-Front (Devrimci Halk Kurtulus Partisi-Cephesi) (DHKP-C)”; and “Jaysh Khalid Bin Walid (JKbW) (JKW)”, “Jaysh Khalid bin al-Walid (KBW)” and “Khalid ibn-Walid Army

(KBWA)” are to be treated as alternative names for the proscribed organisation that is listed in Schedule 2 as “Islamic State of Iraq and the Levant (Islamic State of Iraq and al-Sham) (Dawat al Islamiya fi Iraq wa al Sham (DAISH))”.

7.2 An organisation is proscribed in the UK as soon as an Order adding it to Schedule 2 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.

7.3 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. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 The Government does not assess that there is any need for consolidation measures.

10. Consultation outcome

10.1 No consultation has been undertaken in connection with this instrument.

11. Guidance

11.1 No guidance is necessary in connection with this instrument.

12. Impact

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

12.2 There is no, or no significant, impact on the public sector.

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

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 If a proscribed organisation, or any person affected by the proscription of the organisation, applies to the Secretary of State for deproscription, the proscription of the organisation will be reviewed.

15. Contact

15.1 The Counter-Terrorism Pursue Unit at the Home Office can answer any queries regarding the instrument and can be contacted at the Home Office, 5th Floor, Peel Building, 2 Marsham Street, London, SW1P 4DF, Telephone: 020 7035 4848.

15.2 The Home Secretary, Rt Hon Sajid Javid MP, can confirm that this Explanatory Memorandum meets the required standard.