EXPLANATORY MEMORANDUM TO

THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) (NO. 2) ORDER 2019

2019 No. [XXXX]

1. Introduction

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

2. Purpose of the instrument

2.1 This Order removes "Libyan Islamic Fighting Group" from the list of proscribed organisations in Schedule 2 to the Terrorism Act 2000 ("the Act").

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

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 The territorial application of this instrument includes Scotland and Northern Ireland.

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 The Home Secretary Sajid Javid has made the following statement regarding Human Rights:

"In my view the provisions of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2019 are compatible with the Convention rights."

6. Legislative Context

6.1 Schedule 2 to the Act contains a list of proscribed organisations. Section 3 of the Act provides that the Secretary of State may, by order, add an organisation to the list in Schedule 2 if the Secretary of State believes that the organisation is "concerned in terrorism" within the meaning of section 3(5) of the Act. Section 3 also provides that the Secretary of State may remove an organisation from the list or amend the Schedule in any other way.

6.2 An organisation is proscribed in the UK as soon as the order adding it to Schedule 2 to the Act comes into force. It is a criminal offence for a person to belong to or to invite 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 the financial assets of the organisation become terrorist property and can be subject to freezing and seizure.

6.3 Under section 4 of the Act, a proscribed organisation, or any person affected by the proscription of the organisation, may apply to the Secretary of State for the deproscription of the organisation.

7. Policy background

What is being done and why?

7.1 The Proscription Review Group (PRG), a cross–Government group supports the Home Secretary in his decision making on proscription issues. The PRG makes recommendations and provides advice to the Home Secretary on the implementation of the proscription regime including the case for proscription and consideration of deproscription applications.

7.2 The Libyan Islamic Fighting Group (LIFG) was added to the list of proscribed organisations by the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2005 (S.I. 2005/2892) in October 2005, since when it has remained proscribed.

7.3 In January 2019 an application was made to the Secretary of State for the deproscription of the LIFG. The LIFG was established in the early 1990s and aimed to replace the Gaddafi regime with a hard-line Islamist theocracy. The group mounted a terrorist campaign inside Libya in the mid-1990s, including a 1996 attempt to assassinate Mu'ammar Gaddafi, before becoming part of the wider global Islamist extremist movement in the 2000s. In 2008 the group formally merged with Al Qa'ida. The group announced that it was disbanding in 2010. Some of its former members continued to be involved in terrorism aligned to other groups, or have been involved in fighting since the 2011 Libyan revolution. Some are now involved in more moderate pursuits such as mainstream Libyan politics or everyday occupations. The PRG has assessed that the group is now defunct and no longer exists. The Secretary of State has therefore decided to deproscribe LIFG.

7.4 Accordingly, this instrument removes the Libyan Islamic Fighting Group from the list in Schedule 2 to the Act.

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 an organisation, applies to the Secretary of State for deproscription, the proscription of that organisation will be reviewed.

15. Contact

15.1 The CT 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 Deputy Director for CT Pursue Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Rt. Hon. Brandon Lewis MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.