EXPLANATORY MEMORANDUM TO

THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) (NO. 2) ORDER 2024

2024 No. [XXXX]

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 The Home Secretary, the Rt Hon James Cleverly MP can confirm that this Explanatory Memorandum meets the required standard.

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

3. Contact

3.1 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 (9am-5pm): 020 7035 4848. E-mail: PursuePolicyTeam@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order amends the list of proscribed organisations in Schedule 2 to the Terrorism Act 2000 ("the Act") by adding "Terrorgram collective" to the list of proscribed organisations "concerned in terrorism".

Where does the legislation extend to, and apply?

4.2 The extent of this instrument is the United Kingdom.

4.3 The territorial application of this instrument is the whole of the United Kingdom.

4.4 Section 17 of the Terrorism Act 2006 makes provision for extra-territorial jurisdiction and has effect that where a person takes an action outside of the United Kingdom that if done in a part of the United Kingdom would have amounted to an offence under section 11 of the Act, they shall be guilty of that offence. Section 17 similarly applies to the offences under sections 12 and 13 of the Act, but only applies if at the time of committing the offence the person is a United Kingdom national or a United Kingdom resident.

5. Policy Context

What is being done and why?

5.1 The Home Secretary has decided to exercise the proscription power in section 3 of the Act in respect of the Terrorgram collective.

5.2 The Terrorgram collective is an entirely online network of Extreme-Right Wing terrorists which produces and disseminates violent propaganda with the aim of radicalising readers and encouraging them to commit acts of terrorism. The aim of the Terrorgram collective is to bring about the collapse of Western democracy and a 'Race War' by encouraging others to engage in violent acts of terrorism.

5.3 Terrorgram has published three long-form magazine style publications as well as a 24-minute documentary video. This propaganda is designed to incite violence towards perceived representatives of the establishment, ethnic minorities, and other minority or religious communities. Terrorgram also celebrates and glorifies the attacks committed by Extreme-Right Wing terrorists (e.g., the perpetrator of the Christchurch attack) who Terrorgram consider to be 'Saints' and encourage readers to commit similar attacks. The propaganda also includes instructional material to build and use weapons.

5.4 The UK Government assesses that the Terrorgram collective is an organisation which is concerned in terrorism. The UK Government assesses that the Terrorgram collective is involved in preparing for terrorism through the inclusion of instructional material in their propaganda. The UK Government assesses that the Terrorgram collective promote or encourages terrorism. Their publications present a violent narrative and contain material which glorifies previous Extreme Ring-Wing Terrorist attackers and encourages consumers to commit similar actions. The Terrorgram collective's inspirational effect has been seen in terrorist attacks, including by the perpetrator of the October 2022 Slovakia LGBTQ+ nightclub shooting, which resulted in the death of two people, who credited Terrorgram and its publications in his manifesto.

5.5 The UK Government assesses that the Terrorgram collective operates as an organisation for the purposes of the Terrorism Act 2000, noting the interpretation of "organisation" provided by Section 121 of the Act. Its core leadership provides direction to the preparation of propaganda campaigns and coordinates activity between participants to disseminate terrorist content to advance accelerationist ideology.

What was the previous policy, how is this different?

5.6 This instrument adds the Terrorgram collective to the list of proscribed organisations.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 3 of the Act 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 Act to include organisations which unlawfully glorify the commission or preparation of acts of terrorism. Section 3 also allows the Secretary of State, by order, to remove an organisation from the list of proscribed organisations in Schedule 2 to the Act, or amend the Schedule in some other way. Thirty one Orders have been made previously, in 2001, 2002, 2005, 2006,

2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2), 2014 (3), 2015 (2), 2016 (3), 2017, 2019 (2), 2020 (2), 2021 (3), 2023 (1) and 2024 (1).

6.2 The Secretary of State has regard to all relevant factors in deciding, as a matter of discretion, whether or not to proscribe an organisation. These include (but are not limited to):

- 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; and
- the need to support international partners in the fight against terrorism.

6.3 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 rouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation.

6.4 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.

6.5 Section 121 of the Act provides guidance on how the term 'organisation' should be interpreted, including 'any association or combination of persons'.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

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

8. Applicable Guidance

8.1 No guidance is necessary in connection with this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant impact on businesses.

Impact on businesses, charities and voluntary bodies

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

9.3 The legislation does not impact small or micro businesses.

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

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 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.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This Order comes into force on the day after it is made. Although the 21-day convention does not apply to affirmative instruments, an instrument which imposes duties that are significantly more onerous than before should not usually be brought into force earlier than 21 days after it is made. This is such an instrument, as it has various consequences, including the effect of applying the offences in sections 11 to 13 of the Act to the organisation in question. However, any significant delay between the laying and coming into force of the Order would alert the organisation to its impending proscription and may result in pre-emptive action by the organisation's members designed to circumvent the provisions of the Act and/or the criminal law.

12. European Convention on Human Rights

12.1 The Home Secretary, the Rt Hon James Cleverly MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").