EXPLANATORY MEMORANDUM TO

THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) (No.2) ORDER 2013

2013 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 Imarat Kavkaz (IK) to the list of proscribed organisations in Schedule 2.

2.2 Imarat Kavkaz (IK), or the Caucasus Emirate, is a terrorist organisation which seeks a Sharia based Caliphate across the North Caucasus. It regularly uses terrorist tactics and has carried out attacks against Russian state and civilian targets. The organisation claimed responsibility for the January 2011 suicide attack on Domedodevo airport in Moscow, that killed 35 including one British national, and a suicide attack on the Moscow Metro in March 2010 that killed 39. Since then there has been continued activity by Imarat Kavkaz, including renewed threats over summer 2013 of activity in Russia, including against sporting events. The organisation is currently designated by the US and also by the UN under the Al Qa'ida sanctions regime.

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. Twelve orders have been laid previously in 2001, 2002, 2005, 2006, 2007, 2008(2), 2010, 2011, 2012 (2) and 2013.

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 2013 are compatible with the 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 factors 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; and
- 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

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