EXPLANATORY MEMORANDUM TO
THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) ORDER 2007

2007 No.

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

2. Description

2.1 This Order amends Schedule 2 to the Terrorism Act 2000 by adding Tehrik Nefaz-e Shari'at Muhammadi and Jammat-ul Mujahideen Bangladesh to the list of proscribed organisations concerned in terrorism.

2.2 Tehrik Nefaz-e Shari'at Muhammadi regularly attacks Coalition and Afghan government forces in Afghanistan and provides direct support to Al Qaida and the Taliban. One faction of the group claimed responsibility for a suicide attack on an army training compound on 8 November 2006 in Dargai, Pakistan, in which 42 soldiers were killed.

2.3 Jammat-ul Mujahideen Bangladesh first came to prominence on 20 May 2002 when eight of its members were arrested in possession of petrol bombs. The group has claimed responsibility for numerous fatal bomb attacks across Bangladesh in recent years, including suicide bomb attacks in 2005.

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

3.1 None.

4. Legislative Background

4.1 Part 2 of the Terrorism Act 2000 allows the Secretary of State to make an order adding to the list of proscribed organisations in Schedule 2 to that Act. Four Orders have been laid previously in 2001, 2002, 2005 and 2006..

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Home Secretary, Jacqui Smith, has made the following statement regarding Human Rights:

"In my view the provisions of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2007 are compatible with 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 with terrorism. Section 21 of the Terrorism Act 2006 amended the grounds for proscription to include organisations which glorify terrorism.

7.2 Additional criteria were issued by the Home Office in 2001 on deciding 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
- The need to support international partners in fight against terrorism

7.3 Proscription means that an organisation is outlawed 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 they are a member or supporter of a proscribed organisation. Proscription means that the financial assets of the organisation become terrorist property and can be subject to freezing and seizure. Organisations that are proscribed can appeal to the Secretary of State for de-proscription.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 There is no impact on the public sector.

9. Contact

9.1. 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 3703.