EXPLANATORY MEMORANDUM TO

THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) 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 the below groups to the list of proscribed organisations in Schedule 2.

- Jama'atu Ahli Sunna Lidda Awati Wal Jihad (Boko Haram)
- Minbar Ansar Deen (Ansar al- Sharia UK)

2.2 Jama'atu Ahli Sunna Lidda Awati Wal Jihad (known as Boko Haram) is a prolific terrorist organisation, based in Nigeria that aims to overthrow the Nigerian Government by carrying out indiscriminate, mass casualty attacks. They have targeted all sections of Nigerian society – Muslims, Christians, rich, poor, civilians and members of the security forces alike – as well as members of the international community. For example, an attack near Abuja on Christmas Day 2011 that killed at least 26, and an attack on a bus station in Kano City in March 2013 that killed over 60, were both attributed to the organisation. The organisation has also sought to attack Western targets in Nigeria. In August 2011, the organisation claimed responsibility for a suicide attack against the UN building in Abuja that killed 26. They have targeted westerners for kidnapping in the last few years.

2.3 Minbar Ansar Deen (MAD), also known as Ansar al-Sharia UK, is a Salafist group based in the UK that promotes and encourages terrorism. MAD distributes content through its online forum which promotes terrorism by encouraging individuals to travel overseas to engage in extremist activity, specifically fighting. The group is not related to Ansar al-Sharia groups in other countries.

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

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) Order 2013 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 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 criteria 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
- 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

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 4848.