EXPLANATORY MEMORANDUM TO

THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) ORDER 2016

2016 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 amends Schedule 2 to the Terrorism Act 2000 ("the Act") by removing "International Sikh Youth Federation" from the list of proscribed organisations in Schedule 2, so that the organisation is no longer proscribed as an organisation "concerned in terrorism".

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 Disregarding minor or consequential changes, the territorial application of this instrument includes Northern Ireland and is not a financial instrument that relates exclusively to England, Wales and Northern Ireland.

4. Legislative Context

4.1 Part 2 of the Act provides that the Secretary of State may, by order, add an organisation to the list of proscribed organisations in Schedule 2 to the Act if the Secretary of State believes the organisation is "concerned in terrorism" within the meaning of section 3(5) of the Act; remove an organisation from that list if the Secretary of State believes the organisation is no longer concerned in terrorism; or amend the Schedule in some other way. The International Sikh Youth Federation was added to the list of proscribed organisations by the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001 (S.I. 2001/1261) in March 2001. Section 4 of the Act provides for applications to be made to the Secretary of State to remove an organisation from the list in Schedule 2. If the Secretary of State decides to remove an organisation, an order amending Schedule 2 must be laid before Parliament as soon as practicable.

5. Extent and Territorial Application

5.1 The extent of this instrument is the whole of the United Kingdom.

5.2 The territorial application of this instrument is the whole 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 2016 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 Section 3 of the Act provides a power to proscribe, by order, an organisation which is "concerned in terrorism": that is, an organisation which commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism; or is otherwise concerned in terrorism. 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.

7.2 The International Sikh Youth Federation was added to the list of proscribed organisations by the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001 (S.I. 2001/1261) in March 2001, since when it has remained proscribed.

7.3 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 deproscription and if the Secretary of State refuses that application the applicant may appeal to the Proscribed Organisations Appeals Commission.

7.4 An application was made to the Secretary of State for the deproscription of the International Sikh Youth Federation. The Secretary of State has now decided that there is insufficient information to conclude that the group remains concerned in terrorism. Accordingly, this instrument removes the International Sikh Youth Federation from the list in Schedule 2 to the Act.

Consolidation

7.5 The Department does not assess that there is any need for consolidation measures.

8. Consultation outcome

8.1 No consultation has been undertaken in connection with this instrument.

9. Guidance

9.1 No guidance is necessary in connection with this instrument.

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 activities that are undertaken by small businesses.

12. Monitoring & review

12.1 A review of the case for proscription will be carried out if there becomes available any evidence that indicates that the International Sikh Youth Federation may be concerned in terrorism as defined by section 3(5) of the Act.

12.2 If the activities of a group meet the criteria for proscription, the group may be proscribed.

13. Contact

13.1 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.