EXPLANATORY MEMORANDUM TO THE PROSCRIBED ORGANISATIONS APPEAL COMMISSION (HUMAN RIGHTS ACT 1998 PROCEEDINGS) RULES 2006

2006 No. [2290]

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 These Rules designate the Proscribed Organisations Appeal Commission (POAC) as the appropriate body to hear appeals on human rights grounds against a decision by the Home Secretary a) not to deproscribe an organisation or b) to refuse an application that an alternative name for an organisation should cease to be used. New rules are needed because the existing Rules (which they replace) do not cover the alternative name procedure which was introduced by the Terrorism Act 2006.

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

3.1 None

4. Legislative Background

4.1 These Rules replace existing rules (the Proscribed Organisations Appeal Commission (Human Rights Act Proceedings) Rules 2001) which designate the Proscribed Organisations Appeal Commission as the appropriate tribunal to consider appeals against non deproscription on human rights grounds. The existing rules need to be amended following the introduction of new powers to specify alternative names for a proscribed organisation which were introduced by the Terrorism Act 2006. The Proscribed Organisations (Applications for Deproscription etc) Regulations 2006 make a related change to the procedures governing applications for deproscription and ceasing to use an alternative name.

5. Extent

5.1 This instrument applies to all of the United Kingdom

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

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.

7.2 Section 22 of the Terrorism Act 2006 introduced provisions enabling us to specify alternative names when an organisation listed in Schedule 2 of the Terrorism Act 2000 is operating wholly or partly under a name that is not specified in that Schedule.

7.3 The Proscribed Organisations Appeal Commission was established by section 5 of the Terrorism Act 2000 to consider appeals against non deproscription. The rules make it clear that the Commission is the appropriate body to hear appeals against non deproscription on human rights grounds (rather than the High Court). This applies equally to human rights appeals in relation to the alternative name procedure. The Commission is a more suitable body for such hearings because its procedures, including the use of special advocates, mean that sensitive material can be considered.

7.4 The Rules deal with a procedural matter and are not politically or legally important. The level of public interest will be low.

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

J. Fanshaw at the Home Office: Tel: 0207 035 3704 can answer any queries regarding the instrument.