EXPLANATORY MEMORANDUM TO

THE PROSCRIBED ORGANISATIONS (APPLICATIONS FOR DEPROSCRIPTION ETC.) (AMENDMENT) REGULATIONS 2022

2022 No. 460

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 updates the address details contained within the Proscribed Organisations (Applications for Deproscription etc.) Regulations 2006.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the whole of the United Kingdom.

4.2 The territorial application of this instrument is the whole of the United Kingdom.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The power to proscribe an organisation under Section 3 of the Terrorism Act 2000 is an important part of the counter-terrorism toolkit. It enables the Secretary of State to proscribe an organisation which commits or participates, prepares for, promotes or encourages, or is otherwise concerned in terrorism.

6.2 Section 4(3) of the Terrorism Act 2000 provides the Secretary of State with the power to make regulations prescribing the procedure for deproscription applications. 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. The Proscribed Organisations (Applications for Deproscription etc.) Regulations 2006 were made in August 2006.

7. Policy background

What is being done and why?

7.1 Structural changes within the Home Office since the Proscribed Organisations (Applications for Deproscription etc.) Regulations 2006 were made mean that certain information within the Regulations is no longer accurate. Specifically, the address that

the Regulations provide to applicants requesting a review of an organisation's proscription status requires updating. Ensuring accurate information is available to applicants requesting a review will help prevent unnecessary delays occurring in applications being considered.

7.2 These Regulations update the address to reflect current structures within the Home Office. This will ensure that applications are received and considered promptly by the Secretary of State. The Secretary of State has a period of 90 days beginning with the day after the day on which an application is received to determine an application. The updated address has been deliberately chosen to be resilient to future structural changes within the Home Office. The Regulations also provide an address for the submission of applications concerning a group proscribed by the Secretary of State for Northern Ireland.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 The Government does not assess that there is any need for consolidation measures.

10. Consultation outcome

10.1 No consultation has been undertaken in connection with this instrument

11. Guidance

11.1 No guidance is necessary in connection with this instrument

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument as it is not assessed to have a significant impact.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The instrument does not include a statutory review clause.

15. Contact

15.1 The Counter-Terrorism 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 (9am-5pm): 020 7035 4848.

15.2 The Deputy Director for CT Pursue Unit at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Rt Hon. Damian Hinds MP can confirm that this Explanatory Memorandum meets the required standard.