EXPLANATORY MEMORANDUM TO
THE PROSCRIBED ORGANISATIONS (APPLICATIONS FOR DEPROSCRIPTION ETC.) REGULATIONS 2006

2006 No. 2299

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

2. Description

2.1 These Regulations set out the procedures for a) applications to the Secretary of State for the deproscription of organisations listed in Schedule 2 of the Terrorism Act 2000 and b) for applications to the Secretary of State that an alternative name for a proscribed organisation should cease to be used. New regulations are needed because the existing regulations (which they replace) do not cover applications in relation to the alternative names procedure that was introduced by Terrorism Act 2006.

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

3.1 None

4. Legislative Background

4.1 The Regulations replace existing regulations (The Proscribed Organisations (Applications for Deproscription) Regulations 2001) which set out the procedures for applications for deproscription. The new Regulations expand the existing Regulations to cover applications that an alternative name for a proscribed organisations should cease to be used. The Proscribed Organisations Appeal Commission (Human Rights Act 1998 Proceedings) Rules 2006 make a related change to the rules governing appeals on human rights grounds.

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 Under section 4 (1) (a) of the Terrorism Act 2000 an application may be made to the Secretary of State to deproscribe an organisation. The Regulations set out how such an application is to be made, what it must include, and the timescale within which the Secretary of State must respond. With the additional powers contained in section 22 of the Terrorism Act 2006 the regulations needed to be expanded to cover applications that an alternative name should be ceased to be used.

7.4 The Regulations deal with procedural matters and do not raise significant political or legal issues. Public interest in the Regulations 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.