EXPLANATORY MEMORANDUM TO

THE PROSCRIBED ORGANISATIONS (NAME CHANGE) (REVOCATION) ORDER 2025

2025 No. 1104

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dan Jarvis MBE MP, Minister of State for Security at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 The Deputy Director for the Counter Terrorism Pursue Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Counter Terrorism Pursue Unit at the Home Office can be contacted by email at the following address with any queries regarding the instrument: ctpursueenquiries@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone: 020 7035 4848.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The effect of this instrument is that "Hay'at Tahrir al-Sham" will cease to be treated as another name for Al-Qa'ida, which is a proscribed organisation listed in Schedule 2 to the Terrorism Act 2000 ("TACT").

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 The Home Secretary has decided to revoke the Proscribed Organisations (Name Change) Order 2017 (S.I. 2017/615), meaning that Hay'at Tahrir Al-Sham is no longer to be treated as another name for the organisation listed in Schedule 2 as Al-Qa'ida.

5.2 The Home Secretary, having weighed up all the relevant factors, now considers that Hay'at Tahrir al-Sham should be removed from the list of proscribed organisations in Schedule 2 to TACT.

5.3 Since Hay'at Tahrir al-Sham were added to the list of proscribed organisations as an alias of Al Qa'ida, the organisation has changed. Ahmed Al Sharaa, the group's

leader, announced the disbandment of Hay'at Tahrir al-Sham and the formation of a new Syria Government, with himself as President, pending future democratic elections. He publicly pledged to fight terrorism and stated that Syria should be 'for all Syrians'. It is firmly in the UK's national interest to keep engaging the Syrian Government. The removal of the listing of Hay'at Tahrir al-Sham ensures that various criminal offences, which would be committed by certain forms of engagement with the Syrian Government while HTS remained proscribed, will no longer apply.

What was the previous policy, how is this different?

5.4 Article 2 of the Proscribed Organisations (Name Change) Order 2017 specified "Hay'at Tahrir Al-Sham" as another name for the organisation listed in Schedule 2 as Al-Qa'ida.

6. Legislative and Legal Context

6.1 Section 3(3) of TACT allows the Secretary of State, by order, to add an organisation to the list of proscribed organisations in Schedule 2 to TACT, to remove an organisation from that list or to amend Schedule 2 in some other way. Al-Qa'ida was added to Schedule 2 by the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001.

How has the law changed?

6.2 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.

6.3 Section 3(6) of TACT permits the Secretary of State, by order, to provide that a name that is not specified in Schedule 2 is to be treated as another name for an organisation that is proscribed in Schedule 2.

6.4 Section 3(8) of TACT permits the Secretary of State, by order, to revoke an order under section 3(6) or otherwise provide for a name specified in such an order to cease to be treated as a name for a particular organisation.

6.5 Revoking the Proscribed Organisations (Name Change) Order 2017 will mean that Hay'at Tahir Al-Sham is no longer treated as a terrorist organisation.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary change.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation has been undertaken in connection with this instrument, given the sensitive nature of the Government's assessment of Hay'at Tahrir al-Sham which relies on intelligence assessments.

8. Applicable Guidance

8.1 No guidance is necessary in connection with this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the legislation does not apply to the activities that are undertaken by businesses.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the legislation does not apply to businesses, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the legislation does not apply to the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this instrument is minimal as it only revokes another order. The Independent Reviewer of Terrorism Legislation is responsible for scrutinising and reporting on the use of terrorism legislation including the proscription power under TACT.

10.2 This instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

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