

EXPLANATORY MEMORANDUM TO
THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT)
ORDER 2024

2024 No. []

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This Order amends the list of proscribed organisations in Schedule 2 to the Terrorism Act 2000 (“the Act”) by adding “Hizb ut-Tahrir” to the list of proscribed organisations “concerned in terrorism”.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This Order comes into force on the day after it is made. Although the 21-day convention does not apply to affirmative instruments, an instrument which imposes duties that are significantly more onerous than before should not usually be brought into force earlier than 21 days after it is made. This is such an instrument, as it has the effect of applying the offences in sections 11 to 13 of the Act to the organisation in question. However, any significant delay between the laying and coming into force of the Order would alert the organisation to its impending proscription and may result in pre-emptive action by the organisation’s members designed to circumvent the provisions of the Act and/or the criminal law.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is the whole of the United Kingdom.
- 4.3 Section 17 of the Terrorism Act 2006 makes provision for extra-territorial jurisdiction and has effect that where a person takes an action outside of the United Kingdom that if done in a part of the United Kingdom would have amounted to an offence under section 11 of the Act, they shall be guilty of that offence. Section 17 similarly applies to the offences under sections 12 and 13 of the Act, but only applies if at the time of committing the offence the person is a United Kingdom national or a United Kingdom resident.

5. European Convention on Human Rights

- 5.1 The Home Secretary, the Rt Hon James Cleverly MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2024 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 Section 3 of the Act 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 in terrorism. Section 21 of the Terrorism Act 2006 amended the grounds for proscription in section 3 of the Act to include organisations which unlawfully glorify the commission or preparation of acts of terrorism. Section 3 also allows the Secretary of State, by order, to remove an organisation from the list of proscribed organisations in Schedule 2 to the Act, or amend the Schedule in some other way. Thirty Orders have been made previously, in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2), 2014 (3), 2015 (2), 2016 (3), 2017, 2019 (2), 2020 (2), 2021 (3) and 2023 (1).
- 6.2 The Secretary of State has regard to all relevant factors in deciding, as a matter of discretion, whether or not to proscribe an organisation. These include (but are not limited to):
- the nature and scale of the organisation’s activities;
 - the specific threat that it poses to the UK;
 - the specific threat that it poses to British nationals overseas;
 - the extent of the organisation’s presence in the UK; and
 - the need to support international partners in the fight against terrorism.
- 6.3 An organisation is proscribed in the UK as soon as the Order comes into force. 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 rouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation.
- 6.4 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.

7. Policy background

What is being done and why?

- 7.1 The Home Secretary has decided to exercise the proscription power in section 3 of the Act in respect of Hizb ut-Tahrir.
- 7.2 Hizb ut-Tahrir is an international Sunni Islamist political organisation which was founded in Jerusalem in 1953 by Sheikh Taquiddin an-Nabhani. Hizb ut-Tahrir has a footprint in at least 32 countries, with its headquarters and Central Media Office (CMO) based in Beirut, Lebanon. The CMO runs Hizb ut-Tahrir’s central propaganda website *hizb-ut-tahrir.info*.
- 7.3 Hizb ut-Tahrir’s stated long-term goal is to unify Muslims worldwide and establish a Caliphate ruled under Islamic (Shari’a) law. It summarises its approach as non-violent, involving the presentation of ‘Islamic solutions to address contemporary problems’.
- 7.4 Hizb ut-Tahrir Britain is the official branch of Hizb ut-Tahrir in the UK and was established in the UK in the 1980s. The UK Government assesses that Hizb ut-Tahrir

is coherent international organisation, and that Hizb ut-Tahrir Britain is a component branch of Hizb ut-Tahrir.

- 7.5 The UK Government assesses that Hizb ut-Tahrir is concerned in terrorism.
- 7.6 The UK Government assesses that Hizb ut-Tahrir (including its national branches) promotes and encourages terrorism. A number of articles were posted online on Hizb ut-Tahrir's central media website (and third-party websites), attributed to several of Hizb ut-Tahrir's branches, in relation to and celebrating and praising the 7 October 2023 attack by Hamas and associated incidents. It is assessed that the content of the articles, certain of which refer to Hamas as 'heroes' and encourage further terrorist activity, constitute promotion and encouragement of terrorism. Hizb ut-Tahrir has a history of praising and celebrating attacks against Israel and attacks against Jews more widely. This antisemitic ideology cannot be decoupled from the statements recently made by and attributed to the organisation, which have been assessed against the statutory test for proscription.

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 UK business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for the instrument.

13. Regulating small business

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

14. Monitoring & review

- 14.1 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.

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. E-mail: PursuePolicyTeam@homeoffice.gov.uk.

- 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 Home Secretary, the Rt Hon James Cleverly MP can confirm that this Explanatory Memorandum meets the required standard.