

2006 No. 2290

HUMAN RIGHTS

**The Proscribed Organisations Appeal Commission
(Human Rights Act 1998 Proceedings) Rules 2006**

Made - - - - - *22nd August 2006*
Laid before Parliament *25th August 2006*
Coming into force - - - *20th September 2006*

The Secretary of State makes the following Rules under section 7(9)(a) and (b) of the Human Rights Act 1998(a), having had regard to section 9 of that Act.

1. These Rules may be cited as the Proscribed Organisations Appeal Commission (Human Rights Act 1998 Proceedings) Rules 2006 and shall come into force on 20th September 2006.

2.—(1) The Proscribed Organisations Appeal Commission established by section 5 of the Terrorism Act 2000(b) is the appropriate tribunal for the purposes of section 7 of the Human Rights Act 1998 in relation to any proceedings under subsection (1)(a) of that section (proceedings for acts incompatible with Convention rights) which fall within paragraph (2).

(2) Proceedings fall within this paragraph if they are proceedings against the Secretary of State in respect of a refusal by him—

- (a) to remove an organisation from Schedule 2 to the Terrorism Act 2000(c), or
- (b) to provide for a name to cease to be treated as a name for an organisation listed in that Schedule.

3. The Proscribed Organisations Appeal Commission (Human Rights Act Proceedings) Rules 2001(d) are revoked.

Home Office
22nd August 2006

Tony McNulty
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

Under the Rules revoked by article 3 of these Rules, the Proscribed Organisations Appeal Commission was the appropriate tribunal for the purposes of section 7 of the Human Rights Act 1998 in relation to proceedings under section 7(1)(a) of that Act, where such proceedings relate to a refusal by the Secretary of State to remove an organisation from the list of proscribed

(a) 1998 c.42; section 7(9)(a) was repealed in part by S.I. 2003/1887.
(b) 2000 c.11; section 5 is amended by section 22 of the Terrorism Act 2006 (c.11).
(c) Schedule 2 has been amended by S.I. 2001/1261, S.I. 2002/2724, S.I. 2005/2895 and S.I. 2006/2016.
(d) S.I. 2001/127.

organisations in Schedule 2 to the Terrorism Act 2000. By virtue of article 2(2)(a), that Commission continues to be the appropriate tribunal for the purposes of section 7 of the 1998 Act in relation to such proceedings. In addition, the effect of article 2(2)(b) is that that Commission is the appropriate tribunal for the purposes of section 7 of the 1998 Act in relation to the refusal by the Secretary of State to provide for a name to cease to be treated as a name for an organisation listed in Schedule 2 to the 2000 Act. Under section 3(6) of that Act (as amended by section 22 of the Terrorism Act 2006), the Secretary of State may provide by order that a name that is not specified in Schedule 2 is to be treated as another name for an organisation listed in that Schedule.

These Rules apply for the purposes of section 7 of the 1998 Act in relation to proceedings falling within article 2(2) in Scotland as they apply for such purposes in the remainder of the United Kingdom.

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