

**EXPLANATORY MEMORANDUM TO
THE PROSCRIBED ORGANISATIONS (NAME CHANGES) ORDER 2009**

2009 No. 578

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 The instrument provides that a name which is not specified in Schedule 2 to the Terrorism Act is to be treated as an alternative name for an organisation that is already proscribed.

2.2 The new name is Jama'at ud Dawa (JuD) as an alternative for Lashkar e Tayyaba (LeT).

2.3 LeT was added to the list of proscribed organisations in Schedule 2 to the Terrorism Act 2000 in 2001 by S.I. 2001/1261.

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

3.1 None.

4. Legislative Context

4.1 The Terrorism Act 2000 provides that the Secretary of State may, by Order, add an organisation to the list of proscribed organisations in Schedule 2 to the Act, remove an entry from that list or amend the Schedule in some other way.

4.2 The Act also permits the Secretary of State, by Order, to provide that a name that is not specified in Schedule 2 is to be treated as an alternative name for an organisation that is already proscribed. This is the second order made under this power.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Home Secretary, Jacqui Smith, has made the following statement regarding Human Rights:

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

7. Policy background

- ***What is being done and why***

7.1.1 Section 3(3) of the Terrorism Act 2000 provides a power for the Secretary of State to proscribe, by order, an organisation which she believes is concerned in terrorism. An organisation is concerned in terrorism if it commits or participates in acts of terrorism, prepares for, promotes or encourages terrorism or is otherwise concerned in terrorism. Schedule 2 to the Terrorism Act 2000 lists the proscribed organisations.

7.1.2 Section 3(6) also permits the Secretary of State, by order, to provide that a name that is not specified in Schedule 2 to the Terrorism Act 2000 is to be treated as an alternative name for a terrorist organisation that is already proscribed. This Order exercises the power in section 3(6). It provides that Jama'at ud Dawa (JuD) is to be treated as alternative name for Lashkar e Tayyaba (LeT).

7.1.3 LeT was proscribed in the UK in 2001. It is a large, active and well trained Pakistani militant group. Its objectives are overturning Indian sovereignty in Kashmir and the creation of Islamic states in the Indian subcontinent. It has a long history of attacks on Indian interests and has provided support to the Afghan insurgency. It is also involved in terrorist fundraising and training. It is believed that LeT is operating under the name JuD.

7.1.4 An organisation specified in an order under section 3(6) will be subject to the provisions of the Terrorism Act 2000 as soon as the Order comes into force. It is a criminal offence for a person to belong to or encourage support for a proscribed organisation. It is also a criminal offence to arrange a meeting in support of a proscribed organisation or to wear clothing or to carry articles in public which arouse reasonable suspicion that the individual is a member or supporter of the proscribed organisation. Proscription means that the financial assets of the organisation become terrorist property and can be subject to freezing and seizure.

7.1.5 The 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 Appeals Commission.

- ***Consolidation***

7.2 Not applicable.

8. Consultation outcome

8.1 Not applicable.

9. Guidance

9.1 Not applicable.

10. Impact

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The status of the organisations listed in Schedule 2 to the Terrorism Act 2000 will be reviewed from time to time.

13. Contact

J. Fanshaw at the Home Office (tel: 020 7035 3703) can answer any queries regarding the instrument.