



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 2

#### MISCELLANEOUS PROVISIONS

##### *Proscription of terrorist organisations*

## 21 Grounds of proscription

In section 3 of the Terrorism Act 2000 (c. 11) (proscription of organisations), after subsection (5) insert—

“(5A) The cases in which an organisation promotes or encourages terrorism for the purposes of subsection (5)(c) include any case in which activities of the organisation—

- (a) include the unlawful glorification of the commission or preparation (whether in the past, in the future or generally) of acts of terrorism; or
- (b) are carried out in a manner that ensures that the organisation is associated with statements containing any such glorification.

(5B) The glorification of any conduct is unlawful for the purposes of subsection (5A) if there are persons who may become aware of it who could reasonably be expected to infer that what is being glorified, is being glorified as—

- (a) conduct that should be emulated in existing circumstances, or
- (b) conduct that is illustrative of a type of conduct that should be so emulated.

(5C) In this section—

‘glorification’ includes any form of praise or celebration, and cognate expressions are to be construed accordingly;

‘statement’ includes a communication without words consisting of sounds or images or both.”

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*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Cross Heading: Proscription of terrorist organisations. (See end of Document for details)*

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### Commencement Information

**II** S. 21 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

## 22 Name changes by proscribed organisations

- (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 3 (proscription of organisations), at the end insert—
  - “(6) Where the Secretary of State believes—
    - (a) that an organisation listed in Schedule 2 is operating wholly or partly under a name that is not specified in that Schedule (whether as well as or instead of under the specified name), or
    - (b) that an organisation that is operating under a name that is not so specified is otherwise for all practical purposes the same as an organisation so listed,
 he may, by order, provide that the name that is not specified in that Schedule is to be treated as another name for the listed organisation.
  - (7) Where an order under subsection (6) provides for a name to be treated as another name for an organisation, this Act shall have effect in relation to acts occurring while—
    - (a) the order is in force, and
    - (b) the organisation continues to be listed in Schedule 2,
 as if the organisation were listed in that Schedule under the other name, as well as under the name specified in the Schedule.
  - (8) The Secretary of State may at any time by order revoke an order under subsection (6) or otherwise provide for a name specified in such an order to cease to be treated as a name for a particular organisation.
  - (9) Nothing in subsections (6) to (8) prevents any liability from being established in any proceedings by proof that an organisation is the same as an organisation listed in Schedule 2, even though it is or was operating under a name specified neither in Schedule 2 nor in an order under subsection (6).”
- (3) For subsection (1) of section 4 (applications for deproscription) substitute—
  - “(1) An application may be made to the Secretary of State for an order under section 3(3) or (8)—
    - (a) removing an organisation from Schedule 2, or
    - (b) providing for a name to cease to be treated as a name for an organisation listed in that Schedule.”
- (4) In subsection (2)(b) of that section (applications may be made by persons affected by the organisation’s proscription), after “proscription” insert “ or by the treatment of the name as a name for the organisation. ”
- (5) In section 5 (appeals against refusals to deproscribe)—
  - (a) in subsection (3), after “an organisation” insert “ or to provide for a name to cease to be treated as a name for an organisation ”;
  - (b) in subsection (4), omit “by or in respect of an organisation”;

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- (c) in subsection (5), after “subsection (4)” insert “ in respect of an appeal against a refusal to deproscribe an organisation,”.
- (6) After subsection (5) of that section insert—
- “(5A) Where an order is made under subsection (4) in respect of an appeal against a refusal to provide for a name to cease to be treated as a name for an organisation, the Secretary of State shall, as soon as is reasonably practicable, make an order under section 3(8) providing that the name in question is to cease to be so treated in relation to that organisation.”
- (7) In section 7 (effect on conviction etc. of successful appeal), after subsection (1) insert—
- “(1A) This section also applies where—
- (a) an appeal under section 5 has been allowed in respect of a name treated as the name for an organisation,
  - (b) an order has been made under section 3(8) in respect of the name in accordance with an order of the Commission under section 5(4),
  - (c) a person has been convicted of an offence in respect of the organisation under any of sections 11 to 13, 15 to 19 and 56, and
  - (d) the activity to which the charge referred took place on or after the date of the refusal, against which the appeal under section 5 was brought, to provide for a name to cease to be treated as a name for the organisation.”
- (8) In that section—
- (a) in subsection (2), after “(1)(c)” insert “ or (1A)(c) ”;
  - (b) in subsection (4)(a), after “(1)(b)” insert “ or (1A)(b) ”;
  - (c) in subsection (5), after “(1)(c)” insert “ or (1A)(c) ”;
  - (d) in subsection (7)(a), after “(1)(b)” insert “ or (1A)(b) ”.
- (9) In section 9 (proceedings under the Human Rights Act 1998)—
- (a) in subsection (2)(a), for “and (5)” substitute “, (5) and (5A) ”;
  - (b) in subsection (4), at the end insert “, and
  - (c) a reference to a refusal to provide for a name to cease to be treated as a name for an organisation shall be taken as a reference to the action of the Secretary of State which is found to be incompatible with a Convention right”.
- (10) In section 123(2) (orders and regulations subject to negative resolution procedure), before paragraph (a) insert—
- “(za) section 3(6) or (8);”.
- (11) In paragraph 5(4) of Schedule 3 (the Proscribed Organisations Appeal Commission), after sub-paragraph (a) insert—
- “(aa) provide for full particulars of the reasons for—
- (i) the making of an order under section 3(6), or
  - (ii) a refusal to provide for a name to cease to be treated as a name for an organisation,
- to be withheld from the organisation or applicant concerned and from any person representing it or him;”.

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**Commencement Information**

**I2** S. 22 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

**Changes to legislation:**

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Proscription of terrorist organisations.