

Proscribed organisations

What is a proscribed organisation?

Short answer:

A proscribed organisation is a group concerned in terrorism and prohibited by law from operating in the UK.

In more detail:

Under the Terrorism Act 2000, the Home Secretary may proscribe an organisation if he believes it is concerned in terrorism. For the purposes of the Act, this means that it:

- commits or participates in acts of terrorism;
- prepares for terrorism;
- promotes or encourages terrorism; or
- is otherwise concerned in terrorism.

If the statutory test is met, there are other factors which the Home Secretary will take into account when deciding whether or not to exercise discretion to proscribe. These criteria are:

- the nature and scale of an 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 other members of the international community in the global fight against terrorism.

If the Home Secretary decides to exercise his power to add an organisation to the list of proscribed organisations, he will lay an Order, which is subject to approval by both Houses of Parliament. If passed, the Order is then signed and comes into force on the date specified in the Order. All proscriptions are reviewed on a regular basis.

If an organisation is proscribed, it is illegal for it to operate in the UK. 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 in support of a proscribed organisation or to wear clothing or to carry articles in public which arouse reasonable suspicion that an 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.

How can charities find out which organisations are proscribed?

Short answer:

The Home Office produces a list on its website listing all the proscribed organisations.

As of 1 September 2009, there are 45 international terrorist organisations and 14 terrorist organisations in Northern Ireland that are on the list.

In more detail:

A full list of proscribed organisations, with a brief explanation of each, is kept updated on the Home Office, [Office for Security and Counter-Terrorism's](#) website and can be accessed by clicking [here](#). As of 1 September 2009:

- 45 international terrorist organisations are proscribed under the [Terrorism Act 2000](#).
- Of these, two organisations are proscribed under powers introduced in the [Terrorism Act 2006](#), as glorifying terrorism.
- A further 14 organisations in Northern Ireland are proscribed under previous legislation.

The list of proscribed organisations is kept under constant review and may be amended. Other organisations may be added to the list from time to time through the process described above. As organisations are added, they may also be removed if they are deemed to no longer be concerned in terrorism. It is therefore good practice to check the list at regular intervals.

Why do charity trustees need to know about proscribed organisations?

Short answer:

Proscribed organisations or their members may operate in places where charities work or fundraise, and may seek to abuse and take advantage of charities and their work.

L Charity trustees may commit a criminal offence if the charity is connected to or supports a proscribed organisation.

In more detail:

The presence of proscribed organisations or their members could affect any charity working in any community or region in the UK or internationally. Under UK law, proscribed organisations are terrorist organisations. Any links between a charity and terrorism are totally unacceptable and corrosive of public confidence in charities.

Trustees must be vigilant to ensure that a charity's premises, assets, staff, volunteers and other resources cannot be used for activities that may, or appear to, support proscribed organisations. Proscribed organisations may operate in places where the charity works or fundraises. Membership of a proscribed organisation is a criminal offence. Other offences connected to support for a proscribed organisation are set out in the [Counter-terrorism legislation](#).

Why are links to proscribed organisations not allowed?

Short answer:

L The Terrorism Acts set out what kind of support to a proscribed organisation is a criminal offence. However even indirect or informal links with a terrorist organisation pose unacceptable risks to the property of a charity and its proper and effective administration. Even if the link or association did not amount to a criminal offence, it is difficult to see how a charity could adequately manage the risks to the charity and find a way in which the trustees could properly discharge their charity law duties and responsibilities. What constitutes a link will depend on the circumstances of each case.

In more detail:

L The [Terrorism Acts 2000](#) and [2006](#) create a number of offences connected to supporting proscribed organisations including:

- being a member of a proscribed organisation;
- professing to belong to, or encouraging support for a proscribed organisation;
- arranging a meeting to encourage support for a proscribed organisation or which is addressed by a person who belongs to a proscribed organisation;
- wearing clothing or carrying articles in public in such a way or in circumstances which arouse reasonable suspicion that they are a member or supporter of a proscribed organisation;
- raising funds for or donating money to a proscribed organisation;
- receiving or using money or other property for the purposes of terrorism; and
- failing to report your suspicions of terrorist finance offences to the police.

However, even indirect or informal links with a terrorist organisation could result in a charity's reputation and public trust and confidence in charity being harmed.

This may be an association with someone who is a known supporter of a proscribed organisation, or allowing a member of a proscribed organisation to influence the behaviour or activities of the charity. Examples of indirect and informal links to proscribed organisations include:

- using language or terminology associated with a particular proscribed organisation in a way which could inadvertently promote its cause or activities;
- funding, supporting or working alongside an organisation that allows its money or facilities to be used for terrorist purposes, even if the charity's own funds are not used for those purposes; and
- working with local partners in a community or region whose members or staff openly support proscribed organisations but cannot be prosecuted in the UK for jurisdictional or technical reasons under UK law.

If trustees knowingly encourage this or allow this to happen or do not take reasonable and proportionate steps to prevent this, then they risk breaching their trustee duties and responsibilities.

L A charity must therefore not, for example:

- send or receive funds to or from a proscribed organisation;
- appoint a member of a proscribed organisation as a trustee or to any other position within a charity;
- allow or use charity premises, events, website or literature to support a proscribed organisation;
- provide charity services or distribute aid specifically targeted at members of a proscribed organisation or their families; or
- arrange for or fund a member of a proscribed organisation to move around the UK or overseas.

In reality we appreciate it may be difficult to identify members of a proscribed organisation. Members are unlikely to openly admit their support. A partner organisation is unlikely to admit openly to supporting terrorism. A charity is unlikely to know for certain whether the partner organisation indirectly or covertly supports a proscribed organisation. However, a charity and its trustees cannot ignore the risks and need to be able to demonstrate that they have taken all reasonable steps to ensure that charity representatives and partners are not linked to terrorism.

For further guidance on due diligence procedures, see [Chapter 2: Safeguarding Charity Funds](#).

Case Study: Charity premises and facilities used by proscribed organisations

A charity organises and runs educational programmes and training projects internationally. The trustees encourage use of their international premises for an educational programme. External teachers, trainers and speakers are vetted through a process which includes checking names against terrorism lists. As part of their monitoring processes, the trustees check a selection of material that is to be distributed during training workshops. One leaflet promotes a previously unheard of organisation in a country where terrorist groups are known to operate. The trustees check the proscribed organisation list and see that the name matches a proscribed organisation. They immediately prevent the speaker who is handling the leaflets from presenting, and notify the police. The leaflet is withdrawn.

The trustees are aware of potential offences under the Terrorism Act 2000 of arranging an event which they know has the potential to encourage support for a proscribed organisation. They have not committed an offence, but they may have taken steps to prevent one from occurring.

The charity trustees ensure processes are in place to monitor classes, speakers and trainers during future workshops. They also review their monitoring procedures regularly to ensure they do not commit any offence under the Terrorism Act and to protect their reputation.

Are trustees under a legal obligation to check the list of proscribed organisations?

Short answer:

Where the risks are high, in order to fully discharge their duties, trustees must check partners and individuals against the lists. Whatever the level of risk, it is good practice to do so.

In more detail:

L Trustees must take adequate steps to ensure that they do not, even inadvertently, commit a criminal offence in the UK or overseas by working with proscribed organisations. Where the risks are high, in order to fully discharge their trustee duties, trustees must carry out full prudent due diligence on prospective partners, including checking them against the terrorist lists. Whatever the level of risk, it is good practice to do so. Failure to do so may be regarded as evidence of misconduct or mismanagement.

Each proscription is reviewed by the Home Office every 12 months and the list updated throughout the year, so it is important that charities operating in high risk areas check the list at appropriate intervals.

Case Study: Partnership links connected to supporting proscribed organisations

Trustees are conducting a review of the charity's partnership work in the UK. On reviewing a relationship with one of their partners, they discover that one of the organisation's senior members of staff has been professing support for, and membership of, a proscribed organisation. Aware that this is a potential offence under the Terrorism Act 2000, the trustees conduct a risk assessment of the impact this has on the charity and its relationship with the organisation.

The charity contacts the organisation to find that the police have not yet brought criminal charges. The individual concerned has been suspended by the organisation and the charity's trustees conclude that there is potential for negative impact on their charity's reputation. The risk assessment balances this with the negative impact on charitable work of terminating the contract. At this stage, the trustees judge that the partner organisation is dealing responsibly with the situation and the trustees decide to maintain their partnership arrangement. Having made a record of the review and assessment process, the trustees decide to monitor and regularly review the situation, while continuing to work with the partner.

What do charity trustees need to do?

Short answer:

L Charity trustees must ensure they adequately assess the nature and extent of the risk of their charity coming into close contact with proscribed organisations. The greater the risk, the more charity trustees need to do.

In high risk situations in order to discharge their duties, trustees must check prospective partners against the terrorist lists.

Charity trustees must also remain vigilant to signs that may suggest support for a proscribed organisation and act responsibly in dealing with concerns which arise.

If charity trustees are concerned that the charity, its trustees, members, staff or volunteers are members of, or are encouraging support of, a proscribed organisation, it must be reported to the police immediately.

RSI This must also be reported to the Commission as a Serious Incident.

In more detail:

L In order to discharge their legal duties and responsibilities under charity law, trustees must take appropriate steps to prevent abuse of their charity and ensure that they do not commit an offence. As a minimum, charity trustees must ensure they:

- adequately inform themselves about the nature and extent of the risk of their charity coming into close contact with proscribed organisations;
- have up to date information on the security situation and the risks this poses; and
- have introduced and recorded appropriate risk assessment procedures.

The Commission will always support charities to deliver legitimate humanitarian aid and other services. We appreciate the challenges that charities may face when working in regions where proscribed organisations are known to operate and where they have some degree of control over access to people in need. This is why a risk-based approach is more appropriate than a 'one-size-fits-all' approach. The detail of the checks and due diligence required, possibly extending to staff or partners, donors or beneficiaries, will depend on the extent of the risks evident in the circumstances. The level of checks and necessary procedures will be affected by the nature of the activities they carry out and area in which they operate.

Where the risks are great – such as in areas where it is well known or likely that proscribed and other terrorist organisations are known to operate – trustees must ensure those steps are sufficiently robust. The greater the risk, the more charity trustees need to do.

L In high risk situations in order to fully discharge their trustee duties, trustees must carry out full prudent due diligence on prospective partners including checking them against the proscribed list. In any event in other situations it is good practice to do so. Prospective partners can be checked against the list of organisations proscribed under the Terrorism Act 2000, which is available on the Home Office website [here](#).

Case Study: Funding an organisation which is closely linked to a proscribed organisation

A charity provides funding to an orphanage in a region affected by conflict, and where proscribed organisations are known to operate. They have a funding agreement in place with the orphanage stating their money can only be used to pay for accommodation, clothes and food for the children. As part of a financial audit trail, they spot-check receipts and invoices from the orphanage every six months. The trustees are satisfied their funds are being used properly.

The orphanage is raided by local police, who tell the media they have found weapons on the premises and literature promoting a proscribed organisation. The trustees contact the local police and the orphanage, discovering that three employees have been arrested on terrorism charges. Those managing the orphanage, however, deny these charges.

The trustees call an urgent meeting to review their relationship with the orphanage. They decide that their reputation is at risk from the association. In accordance with their funding agreement, which specifies that the charity can withdraw funding if they are not satisfied with the governance standards at the orphanage, they end their funding.

The trustees go on to review their other partnerships in the region. They decide a financial audit trail is not sufficient evidence to satisfy themselves that charitable work is being carried out as specified in the partner funding agreements. Other risks are considered and a new procedure for partnership work adopted. They contact each partner to explain why they want to introduce changes, which will include a new requirement for progress and performance reports every six months covering all activities funded by the charity. They also employ a local agent to visit each partner every six months and review the funded project activities.

Trustees should also consult the Consolidated List of Financial Sanctions Targets in the UK which records those individuals and entities designated under the Terrorism (United Nations Measures) Orders 2001, 2006 and 2009 or the Al Qaida and Taliban (United Nations Measures) Orders 2002 and 2006. It is a criminal offence to make funds or other economic resources available to [Designated individuals and entities](#), and working with such an individual risks associating a charity with terrorism. The consolidated list is published on the HM Treasury website [here](#). For further information on designation, see the [Designated individuals and entities](#) module of the guidance.

If trustees fail to take these basic steps to check their partners against the lists they may fail to properly discharge their duty to safeguard their charity. It may also be used by the Commission as evidence of misconduct or mismanagement in the administration of the charity by the trustees.

Charity trustees must also remain vigilant to signs that may suggest support for a proscribed organisation and act responsibly in dealing with concerns which arise. They must ensure they take seriously concerns they or others may have about their partners. If there is evidence to suggest a charity is supporting a proscribed organisation or charitable funds are supporting a proscribed organisation, not only are the trustees at risk of committing a criminal offence, but there is a risk that the charity itself may be subject to proscription or designation.

If you are concerned that your charity, its trustees, members, staff or volunteers are providing funds or economic resources to a proscribed organisation, you must report it to the police immediately.

RSI You must also report this to the Commission as a Serious Incident. Detailed information on reporting serious incidents can be found by clicking [here](#).

See our [quick guide chart](#) to help you.

Case Study: Cross-checking partner organisations with proscribed lists

A charity works in a region where proscribed organisations are known to operate. The trustees are considering forming a new partnership with an organisation that works closely with the local community. They undertake a risk assessment as part of their usual routine for identifying and selecting organisations to work through.

The trustees undertake some online research into the prospective partners and find that a number of successful projects have been carried out with funding from other charities and UK businesses. The trustees contact one of these charities to find out their experience of working with the organisation. They also contact the organisation itself, asking for more information on the work it undertakes, how it goes about it, and its management and administration capacity.

The trustees check the name of the organisation against the proscribed lists on the Home Office website and find no positive identifications. The trustees also meet with the organisation's leaders to discuss in detail the project proposal and partnership agreement.

They satisfy themselves that their prospective partner has the capability to manage and deliver a worthwhile project using the charity's funds. A written agreement is put in place which requires regular progress reports and accounts from the partner. It also involves the trustees visiting the region themselves twice a year to meet with the partner to review the work that has been undertaken and discuss project progress and future plans.

The trustees are confident they have undertaken adequate due diligence checks of the partner and have put in place appropriate monitoring and reporting procedures for ensuring that funds are being correctly disbursed in line with the terms of the funding agreement.