Siân Berry MP
Brighton Pavilion
House of Commons
London SW1A 0AA

5 November 2026

The Rt Hon Cat Smith MP
Chair
Procedure Committee
By Email

Re: Parliamentary Reconsideration of Proscription: proposed Standing Order

Dear Cat,

I write to invite the Procedure Committee to consider a proposed Standing Order establishing a parliamentary procedure for reconsideration of the proscription of organisations under the Terrorism Act 2000.

Below I have provided a short summary briefing on this issue, based on research by an independent expert, which sets out the constitutional case for this limited reform, and also potential draft Standing Orders for the House of Commons and the House of Lords.[1,2,3] The proposed Standing Order would provide that an Early Day Motion seeking the removal of an organisation from Schedule 2 to the Terrorism Act 2000, when signed by at least 40 Members, must be considered by the House within a defined period.

Where the House does agree to such a motion, its resolution would be communicated to the House of Lords for consideration and, correspondingly, the proposal provides for consideration to begin with an equivalent resolution in the House of Lords. In cases where both Houses agreed, the second House to do so would present an humble Address requesting that the Secretary of State initiate the existing statutory deproscription process, as set out in the Terrorism Act 2000.

The proposed Parliamentary procedure would not itself deproscribe any organisation. It would neither amend the Terrorism Act 2000 nor constrain the statutory discretion of the Secretary of State. However, it would provide Parliament with a defined means of considering and, where both Houses agree, formally communicating a considered view about the continued exercise of an exceptional executive power.

I would be grateful if the Committee would consider whether such a procedure could appropriately be established through the Standing Orders of the House of Commons, and I would be happy to discuss this proposal further with you or other members of the Committee.

Yours sincerely,



Siân Berry MP
Green Party, Brighton Pavilion

1. Short briefing on the proposals

Current situation

The Terrorism Act 2000 (https://www.legislation.gov.uk/ukpga/2000/11/contents) gives the Secretary of State the power to proscribe organisations and later to remove them from the list of proscribed organisations when appropriate.

Under section 3 of the Act, the Secretary of State can by order add or remove organisations from schedule 2 (which lists proscribed organisations), subject to the affirmative resolution procedure.

The Secretary of State can do this on their own initiative or following an application under section 4, either from the proscribed organisation or a person affected by the organisation's proscription.

If an application under section 4 from the parties above is refused by the Secretary of State, it is also possible to appeal to the Proscribed Organisations Appeal Commission. If the appeal is successful, the Commission (under section 5 of the Act) can order the Secretary of State to lay an order removing the organisation from schedule 2.

Currently, Parliament can exercises an important role in both processes because orders amending Schedule 2 ordinarily require approval by both Houses.

However, unlike for people or groups directly affected by proscription, there is no corresponding parliamentary procedure by which Members of either House can initiate the reconsideration of an existing proscription, or to formally request that the Secretary of State initiate the existing statutory deproscription process.

A potential new procedure

It is proposed that the Procedure Committee should consider a limited procedural reform to allow for Parliament to give its views formally and collectively to the Secretary of State in situations where Parliament's view on the proscription of an organisation has changed.

Importantly, the proposal does not transfer any statutory power of deproscription from the Secretary of State to Parliament. It does not permit either House, or both Houses acting together, to deproscribe an organisation. It does not amend the Terrorism Act 2000.

Instead, new Standing Orders would provide a procedure under which:

1. a proposal for deproscription receiving the support of 40 Members of the House of Commons would receive a debate and decision;
2. either House agreeing such a proposal would cause the other House to consider it;
3. sufficient time would be provided before decision for the Government to place relevant information and arguments before Parliament;
4. and where both Houses agreed, the second House to do so would present an humble Address requesting that the Secretary of State initiate the existing statutory deproscription process.

The Secretary of State would retain the decision whether to exercise the statutory power. If the Secretary of State chose to do so, the resulting draft deproscription order would itself ordinarily require approval by both Houses under the existing affirmative procedure.

The proposal is therefore deliberately conservative. It creates a means for Parliament to reach and communicate a considered view without displacing executive authority or the existing statutory process.

2. Potential draft of standing order for House of Commons

House of Commons Standing Order No. [X] - Deproscription of organisations

(1) Where a motion for which no day has been fixed -

(a) is in the following form -

"That this House is of the opinion that [name of organisation] should be removed from Schedule 2 to the Terrorism Act 2000;"

and

(b) has been signed by not fewer than forty Members,
the Speaker shall appoint a day for its consideration.

(2) Where the House of Lords communicates to this House a resolution that an organisation should be removed from Schedule 2 to the Terrorism Act 2000, the Speaker shall appoint a day for consideration of a motion in the terms specified in paragraph (1)(a).

(3) A day appointed under paragraph (1) or (2) shall fall not earlier than the fifteenth nor later than the thirtieth sitting day after the requirement for its appointment arose.

(4) Proceedings on a motion under this order shall have precedence for ninety minutes on the day appointed; and at the conclusion of that period the Speaker shall put forthwith the Question on the motion.

(5) Where the motion is agreed to -

(a) the Speaker shall cause the resolution of the House to be communicated to the House of Lords; and

(b) if the House of Lords has communicated to this House a resolution that the same organisation should be removed from Schedule 2 to the Terrorism Act 2000, an humble Address shall be presented to His Majesty, praying that His Majesty will be graciously pleased to request that the Secretary of State lay before Parliament a draft order under section 3(3)(b) of that Act removing that organisation from Schedule 2.

3. Potential draft of standing order for House of Lords

Standing Order [X] - Deproscription of organisations

(1) Where this House agrees to a motion -

"That this House is of the opinion that [name of organisation] should be removed from Schedule 2 to the Terrorism Act 2000,"

the Clerk of the Parliaments shall cause the resolution of the House to be communicated to the House of Commons.

(2) Where the House of Commons communicates to this House a resolution that an organisation should be removed from Schedule 2 to the Terrorism Act 2000, a motion in the terms specified in paragraph (1) shall be set down for consideration on a day falling not earlier than the fifteenth nor later than the thirtieth sitting day thereafter.

(3) At the conclusion of proceedings on a motion under paragraph (2), the Question shall be put.

(4) Where a motion under this order is agreed to and the House of Commons has communicated to this House a resolution that the same organisation should be removed from Schedule 2 to the Terrorism Act 2000, an humble Address shall be presented to His Majesty, praying that His Majesty will be graciously pleased to request that the Secretary of State lay before Parliament a draft order under section 3(3)(b) of that Act removing that organisation from Schedule 2.