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FOI : 46561  
20 December 2017

Dear Mr Moran,

Thank you for your e-mail of 13 December, which has been handled as a request for information under the Freedom of Information Act 2000 (the Act). You asked for 'the official reason for National Action being proscribed as a terrorist organisation', and for 'the legal definition used by the Home Office for a terrorist organisation'.

This information is already in the public domain and is reasonably accessible to you, therefore it is exempt from disclosure under section 21 of the Act. However, in order to be helpful, the information is attached to this response.

The reasons for National Action's proscription as a terrorist organisation are publically available on the government website, and can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/648405/Proscription\\_website.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/648405/Proscription_website.pdf).

Section 3(5) of the Terrorism Act 2000 defines an organisation which is 'concerned in terrorism', and terrorism is defined at Section 1 of the Terrorism Act 2000. The Terrorism Act 2000 is available at: [www.legislation.gov.uk/ukpga/2000/11/contents](http://www.legislation.gov.uk/ukpga/2000/11/contents).

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to [FOIRequests@homeoffice.gsi.gov.uk](mailto:FOIRequests@homeoffice.gsi.gov.uk), quoting reference **46561**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

**Freedom of Information**  
**Home Office**

## **Annex A**

### **National Action - Proscribed December 2016**

National Action is a racist neo-Nazi group that was established in 2013. It has a number of branches across the UK, which conduct provocative street demonstrations and stunts aimed at intimidating local communities. Its activities and propaganda materials are particularly aimed at recruiting young people.

The group is virulently racist, anti-Semitic and homophobic. Its ideology promotes the idea that Britain will inevitably see a violent 'race war', which the group claims it will be an active part of. The group rejects democracy, is hostile to the British state and seeks to divide society by implicitly endorsing violence against ethnic minorities and perceived 'race traitors'

National Action's online propaganda material, disseminated via social media, frequently features extremely violent imagery and language. It condones and glorifies those who have used extreme violence for political or ideological ends. This includes tweets posted by the group in 2016, in connection with the murder of Jo Cox (which the prosecutor described as a terrorist act), stating "Only 649 MPs to go" and a photo of Thomas Mair with the caption "don't let this man's sacrifice go in vain" and "Jo Cox would have filled Yorkshire with more subhumans!", as well as an image condoning and celebrating the terrorist attack on the Pulse nightclub in Orlando and another depicting a police officer's throat being slit. The images can reasonably be taken as inferring that these acts should be emulated and therefore amount to the unlawful glorification of terrorism.

Note: The Government laid an Order in September 2017 which provides that "Scottish Dawn" and "NS131 (National Socialist Anti-Capitalist Action)" should be treated as alternative names for the organisation which is already proscribed as National Action.

## **Annex B**

### **Definition of terrorism**

#### **1 Terrorism: interpretation.**

- (1) In this Act "terrorism" means the use or threat of action where—
  - (a) the action falls within subsection (2),
  - (b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and
  - (c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.
- (2) Action falls within this subsection if it—
  - (a) involves serious violence against a person,
  - (b) involves serious damage to property,
  - (c) endangers a person's life, other than that of the person committing the action,
  - (d) creates a serious risk to the health or safety of the public or a section of the public, or

- (e) is designed seriously to interfere with or seriously to disrupt an electronic system.
- (3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.
- (4) In this section—
  - (a) “action” includes action outside the United Kingdom,
  - (b) a reference to any person or to property is a reference to any person, or to property, wherever situated,
  - (c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and
  - (d) “the government” means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.
- (5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.

## **Proscribed Organisations**

### **3 Proscription**

- (5) For the purposes of subsection (4) an organisation is concerned in terrorism if it—
  - (a) commits or participates in acts of terrorism,
  - (b) prepares for terrorism,
  - (c) promotes or encourages terrorism, or
  - (d) is otherwise concerned in terrorism.
- (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.