

Case Name: Petition of Craig Murray for judicial review of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025

Case Ref No: PI017/25

Date, Time and Duration of Hearing: Friday 25 September 2026 at 10.30 am (1 day)

Division and Senators (if known): 1st Division (Lord President, Lady Wise & Lord Tyre)

Livestreamed Hearing?: ☒ Yes ☐ No

Agents and Counsel (if known):

For reclaimer: (Mr Murray):-

Counsel: Aidan O'Neill, K.C.; Mark Boni and Tony Convery

Agents: Halliday Campbell WS

For respondent (The SSHD):-

Counsel: Graham Maciver and Chris Stephen

Agents: The Office of the Advocate General for Scotland

Link to Judgment Reclaimed / Appealed (if available):

[N/A](#)

Case Description:

On 5 July 2025 the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025 came into force ("the 2025 Order").

The 2025 Order added an organisation named Palestine Action to the list of Proscribed Organisations under Schedule 2 of the Terrorism Act 2000. Sections 11 and 12 of the 2000 Act make membership of, or to invite support for, a proscribed organisation a criminal offence. The effect of the 2025 Order was to make it an offence to belong to, or invite support for, Palestine Action.

The petitioner seeks judicial review of the Home Secretary's decision to make the 2025 Order. Specifically, he asks the court to find and declare that the 2025 Order was *ultra vires* – i.e. not within the Home Secretary's power – and reduce (quash) the 2025 Order.

The petitioner submits three grounds for the Order to be quashed. First, that the 2025 Order was published in circumstances which were procedurally unfair, in that proscription is a draconian power which ought not to be exercised without prior consultation with those affected. Second, the 2025 Order disproportionately interferes with the petitioner's freedom of expression under Article 10 of the European Convention

on Human Rights. Third, the 2025 Order disproportionately interferes with the petitioner's right to freedom of association under Article 11 of the ECHR.

Section 27B of the Court of Session Act 1988 provides that a petition for judicial review requires permission to proceed. In particular, section 27B(2) requires the petitioner to demonstrate: (i) sufficient interest in the subject-matter of the petition; and (ii) a real prospect of success. Although the respondent asked the court to refuse to do so, on 26 January 2026, Lord Young granted permission for the judicial review to proceed.

On 28 May 2026, Lord Young determined two opposed requests: (i) the petitioner's request for interim suspension of the 2025 Order; and (ii) the respondent's request to sist (pause) the proceedings for the earlier of 4 months, or the Court of Appeal in England and Wales giving its judgment in a challenge to the 2025 Order that was already underway (*R (Ammori) v Secretary of State for the Home Department* (Appeal No. CA-2026-000583)) and the question of onward appeal to the UK Supreme Court being resolved. Lord Young refused the petitioner's request and granted the respondent's request.

On 15 June 2026, the Court of Appeal handed down its judgment determining that the Home Secretary had been entitled to exercise her discretion to proscribe the group Palestine Action. The Court of Appeal also determined that a fair balance had been struck between the rights of individuals to freedom of expression and association under the ECHR, and the consequences of non-proscription on national security and the interests of the community.

Permission to appeal was refused by the Court of Appeal but granted in part by the UK Supreme Court on 29 July 2026, restricted to the challenge that the Home Secretary failed to adhere to her own published policy. A hearing has been listed before the UK Supreme Court on 4 and 5 November 2026.

On 25 August 2026, Lord Young refused the petitioner's request to: (i) recall the sist (i.e., to withdraw the hold on the proceedings and allow them to continue); and (ii) to report the cause to the Inner House of the Court of Session with a view to the Inner House hearing argument on the merits of the petition and answers. Lord Young granted the respondent's request to sist (pause) the case pending the UK Supreme Court's decision and granted leave to reclaim (appeal) his decision to the Inner House of the Court of Session.

The petitioner now seeks review of the Lord Ordinary's interlocutor of 25 August 2026. The case will be heard by the First Division on 25 September 2026 at 10:30am.