
STATUTORY INSTRUMENTS

2003 No. 1034

The Special Immigration Appeals
Commission (Procedure) Rules 2003

PART 7

GENERAL PROVISIONS

Application by Secretary of State for reconsideration of decision

48.—(1) This rule applies where the Commission proposes to serve notice on the appellant of—

- (a) any order or direction made or given in the absence of the Secretary of State; or
- (b) its determination of the proceedings.

(2) Before the Commission serves any such notice on the appellant, it must first serve notice on the Secretary of State of its intention to do so.

(3) The Secretary of State may, within 5 days of being served with notice under paragraph (2), apply to the Commission to reconsider the order or direction or to review the proposed determination if he considers that—

- (a) his compliance with the order or direction; or
- (b) the notification to the appellant of any matter contained in the order, direction or determination,

would cause information to be disclosed contrary to the public interest.

(4) Where the Secretary of State makes an application under paragraph (3), he must at the same time serve a copy of it on the special advocate, if one has been appointed.

(5) Rule 38, except for paragraphs (6)(b) and (7) of that rule, shall, if a special advocate has been appointed, apply with any necessary modifications to the consideration of an application under paragraph (3) of this rule.

(6) The Commission must not serve notice on the appellant as mentioned in paragraph (1) before the time for the Secretary of State to make an application under paragraph (3) has expired.