

STATUTORY INSTRUMENTS

**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 76**

**PROCEEDINGS UNDER THE PREVENTION OF TERRORISM ACT 2005**

**[<sup>F1</sup>SECTION 1**

*Application of this Part*

**Textual Amendments**

**F1** Pt. 76 inserted (14.3.2005) by [The Civil Procedure \(Amendment No. 2\) Rules 2005 \(S.I. 2005/656\)](#), rule 1, [Sch.](#)

**Scope and interpretation**

**76.1.**—(1) This Part contains rules about—

- (a) control order proceedings in the High Court; and
- (b) appeals to the Court of Appeal against an order of the High Court in such proceedings.

(2) In the case of proceedings brought by virtue of section 11(2) of the Act, the rules in this Part shall apply with any modification which the court considers necessary.

(3) In this Part—

- (a) “the Act” means the Prevention of Terrorism Act 2005;
- (b) “closed material” means any relevant material that the Secretary of State objects to disclosing to a relevant party;
- (c) “control order proceedings” has the same meaning as in section 11(6) of the Act;
- (d) “controlled person”, has the same meaning as in section 15(1) of the Act;
- (e) “legal representative” is to be construed in accordance with paragraph 11 of the Schedule to the Act;
- (f) “open material” means any relevant material that the Secretary of State does not object to disclosing to a relevant party;

<sup>F2</sup>(g) .....

- (h) “relevant material” has the same meaning as in paragraph 4(5) of the Schedule to the Act;
- (i) “relevant party” has the same meaning as in paragraph 11 of the Schedule to the Act;
- (j) “special advocate” means a person appointed under paragraph 7 of the Schedule to the Act.

(4) For the purposes of this Part, disclosure is contrary to the public interest if it is made contrary to the interests of national security, the international relations of the United Kingdom, the detection

and prevention of crime, or in any other circumstances where disclosure is likely to harm the public interest.

**Textual Amendments**

**F2** Rule 76.1(3)(g) omitted (6.4.2008) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(b), **10(a)**

**Modification to the overriding objective**

**76.2.**—(1) Where this Part applies, the overriding objective in Part 1, and so far as relevant any other rule, must be read and given effect in a way which is compatible with the duty set out in paragraph (2).

(2) The court must ensure that information is not disclosed contrary to the public interest.

(3) Subject to paragraph (2), the court must satisfy itself that the material available to it enables it properly to determine proceedings.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross  
Heading: SECTION 1.