
DRAFT STATUTORY INSTRUMENTS

2007 No.

**The Proscribed Organisations Appeal
Commission (Procedure) Rules 2007**

PART 1

INTRODUCTION

Citation and commencement

1. These Rules may be cited as the Proscribed Organisations Appeal Commission (Procedure) Rules 2007 and come into force on the 14th day after the day on which they are made.

Interpretation

2. In these Rules—

“the 1998 Act” means the Human Rights Act 1998(1);

“the 2000 Act” means the Terrorism Act 2000;

“appellant” includes the designated person, except—

- (i) in the definition of “special advocate” in this rule;
- (ii) in rule 7;
- (iii) in relation to the second reference to it in rule 9(2);
- (iv) in rule 9(3);
- (v) in relation to the first reference to it in rule 9(5);
- (vi) in rule 33(1);

“chairman” means the chairman of the Commission;

“closed material” means—

- (i) material upon which the Secretary of State wishes to rely in any proceedings before the Commission; or
 - (ii) information which he is required to file pursuant to a direction under rule 13(5);
- but which he objects to disclosing to the appellant or his representative;

“Commission” means the Proscribed Organisations Appeal Commission;

“designated person” means the person designated under rule 8;

“organisation” means an organisation—

- (i) which is listed in Schedule 2 to the 2000 Act or which operates under the same name as an organisation which is so listed; or

(1) 1998 c.42.

- (ii) in respect of which the Secretary of State has made an order under section 3(6) of that Act⁽²⁾ that a name not specified in that Schedule is to be treated as another name for that organisation;

“representative” means a person representing the appellant in accordance with rule 33;

“special advocate” means a person appointed under paragraph 7 of Schedule 3 to the 2000 Act to represent the interests of the appellant.

Scope of these Rules

3.—(1) These Rules apply to—

- (a) appeals under section 5 of the 2000 Act⁽³⁾;
- (b) proceedings under section 7(1)(a) of the 1998 Act, where rules within the meaning of section 7 of the 1998 Act provide for such proceedings to be brought before the Commission⁽⁴⁾; and
- (c) applications for permission to appeal from decisions of the Commission.

(2) In Part 2 of these Rules a reference to an appeal is a reference to an appeal or proceedings referred to in paragraph (1)(b) and a reference to a notice of appeal is to be construed accordingly.

General duty of Commission

4.—(1) When exercising its functions, the Commission must secure that information is not disclosed contrary to the interests of national security, the international relations of the United Kingdom or the detection and prevention of crime, or in any other circumstances where disclosure is contrary to the public interest.

(2) Where these Rules require information not to be disclosed contrary to the public interest, that requirement must be construed in accordance with paragraph (1).

(3) Subject to paragraphs (1) and (2), the Commission must satisfy itself that the material available to it enables it properly to determine the appeal, proceedings or application in question.

(2) Section 3(6) was inserted by section 22(1) and (2) of the Terrorism Act 2006 (c. 11).

(3) Section 5 was amended by section 22(1), (5) and (6) of the Terrorism Act 2006.

(4) Rules falling within this sub-paragraph are the Proscribed Organisations Appeal Commission (Human Rights Act 1998 Proceedings) Rules 2006 (S.I. 2006/2290).