Status: *Point in time view as at 01/11/2002.*
Changes to legislation: *Terrorism Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 3

Section 5.

THE PROSCRIBED ORGANISATIONS APPEAL COMMISSION

Constitution and administration

1 (1) The Commission shall consist of members appointed by the Lord Chancellor.

(2) The Lord Chancellor shall appoint one of the members as chairman.

(3) A member shall hold and vacate office in accordance with the terms of his appointment.

(4) A member may resign at any time by notice in writing to the Lord Chancellor.

2 The Lord Chancellor may appoint officers and servants for the Commission.

3 The Lord Chancellor—

(a) may pay sums by way of remuneration, allowances, pensions and gratuities to or in respect of members, officers and servants,

(b) may pay compensation to a person who ceases to be a member of the Commission if the Lord Chancellor thinks it appropriate because of special circumstances, and

(c) may pay sums in respect of expenses of the Commission.

Procedure

4 (1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct.

(2) The Commission may sit in two or more divisions.

(3) At each sitting of the Commission—

(a) three members shall attend,

(b) one of the members shall be a person who holds or has held high judicial office (within the meaning of the [M1]Appellate Jurisdiction Act 1876), and

(c) the chairman or another member nominated by him shall preside and report the Commission's decision.

Marginal Citations

M1 1876 c. 59.

5 (1) The Lord Chancellor may make rules—

Status: *Point in time view as at 01/11/2002.*
Changes to legislation: *Terrorism Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) regulating the exercise of the right of appeal to the Commission;
(b) prescribing practice and procedure to be followed in relation to proceedings before the Commission;
(c) providing for proceedings before the Commission to be determined without an oral hearing in specified circumstances;
(d) making provision about evidence in proceedings before the Commission (including provision about the burden of proof and admissibility of evidence);
(e) making provision about proof of the Commission's decisions.

(2) In making the rules the Lord Chancellor shall, in particular, have regard to the need to secure—
(a) that decisions which are the subject of appeals are properly reviewed, and
(b) that information is not disclosed contrary to the public interest.

(3) The rules shall make provision permitting organisations to be legally represented in proceedings before the Commission.

(4) The rules may, in particular—
(a) provide for full particulars of the reasons for proscription or refusal to deproscribe to be withheld from the organisation or applicant concerned and from any person representing it or him;
(b) enable the Commission to exclude persons (including representatives) from all or part of proceedings;
(c) enable the Commission to provide a summary of evidence taken in the absence of a person excluded by virtue of paragraph (b);
(d) permit preliminary or incidental functions to be discharged by a single member;
(e) permit proceedings for permission to appeal under section 6 to be determined by a single member;
(f) make provision about the functions of persons appointed under paragraph 7;
(g) make different provision for different parties or descriptions of party.

(5) Rules under this paragraph—
(a) shall be made by statutory instrument, and
(b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

(6) In this paragraph a reference to proceedings before the Commission includes a reference to proceedings arising out of proceedings before the Commission.

6 (1) This paragraph applies to—
(a) proceedings brought by an organisation before the Commission, and
(b) proceedings arising out of proceedings to which paragraph (a) applies.

(2) Proceedings shall be conducted on behalf of the organisation by a person designated by the Commission (with such legal representation as he may choose to obtain).

(3) In **[**[F1]paragraph 5**]** of this Schedule a reference to an organisation includes a reference to a person designated under this paragraph.

Status: *Point in time view as at 01/11/2002.*
Changes to legislation: *Terrorism Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1 Words in Sch. 3 para. 6(3) substituted (2.10.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 12(2)** (with s. 82(3)); S.I. 2000/2543, **art. 3**

7 (1) The relevant law officer may appoint a person to represent the interests of an organisation or other applicant in proceedings in relation to which an order has been made by virtue of paragraph 5(4)(b).

(2) The relevant law officer is—

(a) in relation to proceedings in England and Wales, the Attorney General,

(b) in relation to proceedings in Scotland, the Advocate General for Scotland, and

(c) in relation to proceedings in Northern Ireland, the Attorney General for Northern Ireland.

(3) A person appointed under this paragraph must—

(a) have a general qualification for the purposes of section 71 of the [M2]Courts and Legal Services Act 1990 (qualification for legal appointments),

(b) be an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the [M3]Solicitors (Scotland) Act 1980, or

(c) be a member of the Bar of Northern Ireland.

(4) A person appointed under this paragraph shall not be responsible to the organisation or other applicant whose interests he is appointed to represent.

(5) In **[**[F2]paragraph 5**]** of this Schedule a reference to a representative does not include a reference to a person appointed under this paragraph.

Textual Amendments

F2 Words in Sch. 3 para. 7(5) substituted (2.10.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 12(2)** (with s. 82(3)); S.I. 2000/2543, **art. 3**

Marginal Citations

M2 1990 c. 41.

M3 1980 c. 46.

[F3]8 . . . . . .

Textual Amendments

F3 Sch. 3 para. 8 repealed (2.10.2000) by 2000 c. 23, s. 82, **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

Status:
Point in time view as at 01/11/2002.

Changes to legislation:
Terrorism Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.