

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 Appellate Jurisdiction Act 1876), and
 - (c) the chairman or another member nominated by him shall preside and report the Commission's decision.
- 5 (1) The Lord Chancellor may make rules—
 - (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;

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- (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 paragraphs 5 and 8 of this Schedule a reference to an organisation includes a reference to a person designated under this paragraph.
- 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

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- (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 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 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 paragraphs 5 and 8 of this Schedule a reference to a representative does not include a reference to a person appointed under this paragraph.
- 8 (1) Section 9(1) of the Interception of Communications Act 1985 (exclusion of evidence) shall not apply in relation to—
- (a) proceedings before the Commission, or
 - (b) proceedings arising out of proceedings to which paragraph (a) applies.
- (2) Evidence admitted by virtue of sub-paragraph (1) shall not be disclosed to—
- (a) the organisation concerned,
 - (b) the applicant (where the organisation is not also the applicant), or
 - (c) any person representing the organisation concerned or the applicant.