

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 79

[^{F2}PROCEEDINGS UNDER THE COUNTER-TERRORISM ACT 2008, PART 1 OF THE TERRORIST ASSET-FREEZING ETC. ACT 2010 AND PART 1 OF THE SANCTIONS AND ANTI-MONEY LAUNDERING ACT 2018]

Textual Amendments

- F1** Pt. 79 inserted (4.12.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2008 \(S.I. 2008/3085\)](#), rule 1, [Sch.](#)
- F2** Pt. 79 heading substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, [3\(3\)\(a\)](#)

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SECTION 1

[^{F16}GENERAL PROVISIONS]

Textual Amendments

F16 Pt. 79 Section 1 heading substituted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), 3(b)

[^{F17}Scope and interpretation of this Part

79.1.—(1) This Part contains rules about—

- (a) in Section 1, interpretation and modification of the overriding objective;
- (b) in Section 2, financial restrictions proceedings under the Counter-Terrorism Act 2008 and the Terrorist Asset-Freezing etc Act 2010 [^{F18}, and sanctions proceedings under the Sanctions and Anti-Money Laundering Act 2018];
- (c) in Section 3, appeals relating to designations under the Terrorist Asset-Freezing etc Act 2010;
- (d) in Section 4, general provisions applicable to proceedings within Sections 2 and 3; and
- (e) in Section 5, applications for a notification order under Schedule 4 to the Counter-Terrorism Act 2008.]

(2) In this Part—

- (a) “the [^{F19}2008] Act” means the Counter-Terrorism Act 2008;
[the 2010 Act” means the Terrorist Asset-Freezing etc. Act 2010;]
^{F20}(aa)
[“the 2018 Act” means the Sanctions and Anti-Money Laundering Act 2018;
^{F21}(ab)
(ac) “appropriate Minister” means—
 - (i) in relation to a challenge to a decision of the Secretary of State, the Secretary of State;
 - (ii) in relation to a challenge to a decision of the Treasury, the Treasury;]
- (b) “financial restrictions decision” means a decision to which section 63(1) of the [^{F22}2008 Act or section 27 of the 2010] Act applies;
[“sanctions decision” means a decision to which section 38 of the 2018 Act (court review
^{F23}(ba) of decisions) applies;]
- (c) “financial restrictions proceedings” [^{F24}means—
 - (i) financial restrictions proceedings within the meaning of section 65 of the 2008 Act;
and

- (ii) proceedings in the High Court on an application under section 27 of the 2010 Act, or on a claim arising from any matter to which such an application relates];
- [“sanctions proceedings” means proceedings—
- ^{F25}(cza) (i) on an application under section 38 of the 2018 Act, or
- (ii) on a claim arising from any matter to which such an application relates;]
- [“designation” means a designation in accordance with Chapter 1 of Part 1 of the 2010 Act.]
- ^{F26}(ca) (d) “closed material” means—
- (i) material, evidence or submissions to the court upon which [^{F27}the appropriate Minister wishes] to rely in proceedings;
- (ii) material which adversely affects [^{F28}the appropriate Minister’s] case or supports another party’s case; or
- (iii) information which [^{F29}the appropriate Minister is] required to file pursuant to an order under rule 79.11(7),
- but which [^{F30}the appropriate Minister objects] to disclosing to another party and that party’s legal representative;
- (e) “legal representative” in relation to a party to proceedings other than [^{F31}the appropriate Minister] does not include a special advocate;
- (f) “material” means anything in which information of any description is recorded;
- (g) “party” includes [^{F32}the appropriate Minister] unless otherwise stated or unless the context otherwise requires;
- (h) “special advocate” means a person appointed under section 68 of the [^{F33}2008 Act (including that section as applied by section 28(4) of the 2010 Act [^{F34}and section 40(1) of the 2018 Act]); and
- (i) “specially represented party” means a party, other than [^{F35}the appropriate Minister], whose interests a special advocate represents.

Textual Amendments

- F17** Rule 79.1(1) and heading substituted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(c)**
- F18** Words in rule 79.1(1)(b) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(4)(a)**
- F19** Word in rule 79.1(2)(a) inserted (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), s. 55(1), **Sch. 1 para. 5(b)**
- F20** Rule 79.1(2)(aa) inserted (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), s. 55(1), **Sch. 1 para. 5(c)**
- F21** Rule 79.1(2)(ab)(ac) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(4)(b)(i)**
- F22** Words in rule 79.1(2)(b) inserted (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), s. 55(1), **Sch. 1 para. 5(d)**
- F23** Rule 79.1(2)(ba) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(4)(b)(ii)**
- F24** Words in rule 79.1(2)(c) substituted (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), s. 55(1), **Sch. 1 para. 5(e)**

- F25** Rule 79.1(2)(cza) inserted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(iii)**
- F26** Rule 79.1(2)(ca) inserted (24.12.2010) by The Civil Procedure (Amendment No.4) Rules 2010 (S.I. 2010/3038), rules 1(2), **3(d)**
- F27** Words in rule 79.1(2)(d)(i) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(iv)(aa)**
- F28** Words in rule 79.1(2)(d)(ii) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(iv)(bb)**
- F29** Words in rule 79.1(2)(d)(iii) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(iv)(cc)**
- F30** Words in rule 79.1(2)(d) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(iv)(dd)**
- F31** Words in rule 79.1(2)(e) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(v)**
- F32** Words in rule 79.1(2)(g) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(v)**
- F33** Words in rule 79.1(2)(h) substituted (17.12.2010) by Terrorist Asset-Freezing etc. Act 2010 (c. 38), s. 55(1), **Sch. 1 para. 5(f)**
- F34** Words in rule 79.1(2)(h) inserted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(vi)**
- F35** Words in rule 79.1(2)(i) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(b)(vii)**

Modification to the overriding objective

79.2.—(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 will ensure that information is not disclosed contrary to the public interest.

(3) Without prejudice to paragraph (2), the court will satisfy itself that the material available to it enables it properly to determine the proceedings.

SECTION 2

[^{F36} APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS DECISIONS UNDER THE 2008 ACT OR THE 2010 ACT AND SANCTIONS DECISIONS UNDER THE 2018 ACT.]

Textual Amendments

- F36** Pt. 79 heading substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(4)(c)**

Scope of this Section

79.3. This Section applies to an application to set aside a financial restrictions decision [^{F37}under section 63(2) of the 2008 Act or section 27(2) of the 2010 Act][^{F38}or a sanctions decision under section 38(2) of the 2018 Act].

Textual Amendments

- F37** Words in rule 79.3 inserted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(f)**
- F38** Words in rule 79.3 inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(5)**

F39 ...

F39 **79.4.**

Textual Amendments

- F39** Rule 79.4 and heading omitted (24.12.2010) by virtue of [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(g)**

Applications (general) and modification of Part 8

79.5.—(1) An application to set aside a financial restrictions decision [^{F40}or sanctions decision] must be made pursuant to Part 8, as modified by this Part, and subject to paragraph (2).

(2) The following rules do not apply to an application under this Section—

- (a) rule 8.1(3);
- (b) rule 8.2A (issue of claim form without naming defendants);
- (c) rule 8.4 (consequence of not filing an acknowledgment of service);
- (d) rule 8.5 (filing and serving written evidence);
- (e) rule 8.6 (evidence – general); and
- (f) rule 8.8 (defendant objects to use of Part 8).

Textual Amendments

- F40** Words in rule 79.5(1) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(6)**

Application to set aside

79.6.—(1) An application to set aside a financial restrictions decision [^{F41}or sanctions decision] must be started by a claim form.

(2) The claim form must set out—

- (a) the details of the financial restrictions decision [^{F42}or sanctions decision];
- (b) details of how the claimant is affected by the financial restrictions decision [^{F43}or sanctions decision]; and
- (c) the grounds on which the claimant seeks to set aside the decision.

(3) The claimant must file with the claim form—

- (a) a copy of—

- (i) the written notice of the relevant financial restrictions decision [^{F44}or sanctions decision] made by [^{F45}the appropriate Minister]; or
 - (ii) where relevant, any direction, order or licence made under Schedule 7 to the [^{F46}2008] Act or any freezing order made under Part 2 of the Anti-terrorism, Crime and Security Act 2001; and
- (b) any evidence, including witness statements, on which the claimant relies at that stage.

Textual Amendments

- F41** Words in rule 79.6(1) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(7)(a)**
- F42** Words in rule 79.6(2)(a) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(7)(a)**
- F43** Words in rule 79.6(2)(b) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(7)(a)**
- F44** Words in rule 79.6(3)(a)(i) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(7)(b)(i)**
- F45** Words in rule 79.6(3)(a)(i) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(7)(b)(ii)**
- F46** Word in rule 79.6(3)(a)(ii) inserted (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), s. 55(1), **Sch. 1 para. 5(g)**

Fixing of directions hearing date

- 79.7.**—(1) When the court issues the claim form it will fix a date for a directions hearing.
- (2) Unless the court directs otherwise, the directions hearing will be not less than 14 days but not more than 28 days after the date of issue of the claim form.

Service of the claim form and accompanying documents

- 79.8.** The court will—
- (a) serve on [^{F47}the appropriate Minister] and any special advocate (if one has been appointed)
—
 - (i) the claim form; and
 - (ii) the documents specified in rule 79.6(3); and
 - (b) send to all parties and any special advocate a notice of the directions hearing date (where such date is not endorsed on the claim form).

Textual Amendments

- F47** Words in rule 79.8 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(8)**

Acknowledgment of service

- 79.9.** Where a special advocate has been appointed, [^{F48}the appropriate Minister] must serve on that special advocate a copy of the acknowledgment of service filed under rule 8.3.

Textual Amendments

F48 Words in rule 79.9 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019](#) (S.I. 2019/147), rules 1, **3(8)**

Directions hearing

79.10. At the directions hearing the court may give case management directions, in particular—

- (a) for the holding of a further hearing to determine the application;
- (b) fixing a date, time and place for the further hearing at which the parties, their legal representatives (if any) and any special advocate can be present; and
- (c) as to the order in which, and the time within which, the following are to be filed and served—
 - (i) any response to the application to be filed and served by ^{F49}the appropriate Minister] under rule 79.11(1), (2) and (4);
 - (ii) any application to be made under rule 79.11(5);
 - (iii) any information to be filed and served by ^{F49}the appropriate Minister] pursuant to an order under rule 79.11(7);
 - (iv) any evidence to be filed and served by the claimant under rule 79.12(1);
 - (v) any evidence to be filed and served by ^{F49}the appropriate Minister] under rule 79.12(2);
 - (vi) any application by ^{F49}the appropriate Minister] under rule 79.11(3), 79.11(8) or 79.12(3); and
 - (vii) any further evidence, including witness statements, written submissions or skeleton arguments, to be filed and served by the parties and any special advocate.

Textual Amendments

F49 Words in rule 79.10 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019](#) (S.I. 2019/147), rules 1, **3(8)**

Response by ^{F50}the appropriate Minister]

79.11.—(1) Where ^{F50}the appropriate Minister][^{F51}intends] to oppose the application to set aside the financial restrictions decision [^{F52}or sanctions decision], [^{F53}the appropriate Minister must] file with the court —

- (a) the grounds for contesting the application; and
- (b) any relevant evidence of which [^{F54}the appropriate Minister is] aware at that stage.

(2) Unless [^{F50}the appropriate Minister][^{F55}objects] to the grounds and evidence in paragraph (1) being disclosed to the claimant and the claimant’s legal representative, [^{F50}the appropriate Minister] must serve a copy of the grounds and evidence on the claimant at the same time as filing the grounds.

(3) Where [^{F50}the appropriate Minister][^{F56}objects] to the grounds and evidence in paragraph (1) being disclosed to the claimant and the claimant’s legal representative, [^{F50}the appropriate Minister] must make an application in accordance with rule 79.25.

(4) Where a special advocate has been appointed, [^{F50}the appropriate Minister] must serve on that special advocate a copy of the grounds and evidence filed under paragraph (1).

(5) The claimant and any special advocate may apply to the court for an order directing [^{F50}the appropriate Minister] to file and serve further information about [^{F57}the appropriate Minister's] grounds filed under paragraph (1)(a).

(6) The application under paragraph (5) must set out—

- (a) what information is sought; and
- (b) why the information sought is necessary for the determination of the application to set aside the financial restrictions decision [^{F58}or sanctions decision].

(7) The court may make an order on an application under paragraph (5) where it considers that the information sought is—

- (a) necessary for the determination of the application to set aside the financial restrictions decision [^{F59}or sanctions decision]; and
- (b) may be provided without disproportionate cost, time or effort.

(8) Where [^{F50}the appropriate Minister][^{F60}objects] to serving on the claimant and the claimant's legal representative the information sought under paragraph (5), [^{F50}the appropriate Minister] must make an application in accordance with rule 79.25.

Textual Amendments

- F50** Words in rule 79.11 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(a)**
- F51** Word in rule 79.11(1) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(b)(i)**
- F52** Words in rule 79.11(1) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(b)(ii)**
- F53** Words in rule 79.11(1) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(b)(iii)**
- F54** Words in rule 79.11(1) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(b)(iv)**
- F55** Word in rule 79.11(2) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(c)**
- F56** Word in rule 79.11(3) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(c)**
- F57** Words in rule 79.11(5) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(d)**
- F58** Words in rule 79.11(6)(b) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(e)**
- F59** Words in rule 79.11(7)(a) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(e)**
- F60** Word in rule 79.11(8) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(9)(f)**

Filing and service of evidence

79.12.—(1) Where the claimant wishes to rely on evidence in support of the application to set aside the financial restrictions decision [^{F61}or sanctions decision] and—

- (a) such evidence was not filed with the court with the claim form; or

- (b) such evidence was filed with the court with the claim form but the claimant wishes to rely on further evidence,

the claimant must file and serve that evidence, including any witness statement, on [F62the appropriate Minister] and any special advocate.

(2) Where the claimant serves evidence in support of the application, [F62the appropriate Minister] must file and serve, subject to paragraph (3), any further evidence, including any witness statement, on the claimant and any special advocate.

(3) Where [F62the appropriate Minister][F63seeks] to withhold disclosure of any closed material from the claimant and the claimant’s legal representative, [F62the appropriate Minister] must make an application in accordance with rule 79.25.

(4) [F62the appropriate Minister] must serve any closed material upon the special advocate.

(5) The parties and, where relevant, any special advocate must file and serve any further evidence, including witness statements, written submissions or skeleton arguments as directed by the court.

Textual Amendments

- F61** Words in rule 79.12(1) inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(10)(b)**
- F62** Words in rule 79.12 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(10)(a)**
- F63** Word in rule 79.12(3) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(10)(c)**

Modification of Part 52 (appeals)

79.13. Part 52 (appeals) applies to an appeal to the Court of Appeal against an order of the High Court in financial restrictions proceedings [F64and sanctions proceedings], subject to—

- (a) rule 79.2; and
(b) Section 4 of this Part.

Textual Amendments

- F64** Words in rule 79.13 inserted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(11)**

Service of appellant’s notice on special advocate

79.14. The appellant must serve a copy of the appellant’s notice on any special advocate.

^{F65}/^{F66}SECTION 3

APPEALS IN RELATION TO DESIGNATIONS UNDER THE 2010 ACT

Textual Amendments

- F65** Original Pt. 79 Section 3 heading omitted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(h)**

F66 Pt. 79 Section 3 inserted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(i)**

Scope of this Section

79.14A. This section applies to an appeal under section 26 of the 2010 Act (appeals to the court in relation to designations) in relation to designations and variations, revocation and renewal, of those designations.

Modification of Part 52 (appeals)

79.14B.—(1) Part 52 (appeals) applies to an appeal under section 26 of the 2010 Act subject to—

- (a) rule 79.2;
- (b) Section 4 of this Part; and
- (c) the modifications set out in paragraph (2).

(2) Rule 52.2 (parties to comply with [^{F67}Practice Directions 52A to 52E) apply], but the parties are not required to comply with [^{F68}paragraphs 5.1 to 5.3 of Practice Direction 52A and paragraphs 6.3 to 6.6 of Practice Direction 52B].

Textual Amendments

F67 Words in [rule 79.14B\(2\)](#) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **14(a)**

F68 Words in [rule 79.14B\(2\)](#) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **14(b)**

Appellant's notice

79.14C.—(1) The appellant's notice must set out the details of—

- (a) the interim or final designation;
- (b) how the appellant is affected by the interim or final designation; and
- (c) the grounds of the appeal.

(2) The appellant must file and serve the following documents with the appellant's notice—

- (a) a copy of the written notice of the interim or final designation; and
- (b) any evidence, including witness statements in support of the [^{F69}appeal].

(Practice Direction 52 contains details about the filing and service of the appellant's notice for statutory appeals.)

Textual Amendments

F69 Word in [rule 79.14C\(2\)\(b\)](#) substituted (1.9.2011) by [The Civil Procedure \(Amendment No.2\) Rules 2011 \(S.I. 2011/1979\)](#), rules 1(2), **5(a)**

Appeals to the Court of Appeal

79.14D.—(1) Part 52 (appeals) applies to an appeal to the Court of Appeal against an order of the High Court under this Section subject to—

- (a) rule 79.2;
 - (b) Section 4 of this Part; and
 - (c) paragraph (2) of this rule.
- (2) The appellant must serve a copy of the appellant’s notice on any special advocate.]

SECTION 4

GENERAL PROVISIONS ^[F70] APPLICABLE TO SECTIONS 2 AND 3 OF THIS PART]

Textual Amendments

F70 Words in Pt. 79 Section 4 heading inserted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(j)**

Scope of this Section

79.15. This Section applies to all proceedings specified ^[F71]in Sections 2 and 3 of this Part].

Textual Amendments

F71 Words in [rule 79.15](#) substituted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(k)**

^[F72]Where to make an application

79.15A. An application under Section 2 and an appeal under Section 3 of this Part must be started and heard in the Administrative Court.]

Textual Amendments

F72 [Rule 79.15A](#) inserted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(l)**

Notification of hearing

79.16. Unless the court orders otherwise, the court will serve any notice of the date, time and place fixed for a hearing on—

- (a) every party, whether or not a party is entitled to attend that hearing; and
- (b) if one has been appointed for the purposes of the proceedings, the special advocate or those instructing the special advocate.

Hearings

79.17.—(1) All proceedings to which ^[F73]Section 2 or 3 of] this Part applies must be determined at a hearing except where—

- (a) the claimant withdraws the claim or application;
- (b) ^[F74]the appropriate Minister]^[F75]consents] to the claim or application being allowed;

- (c) the appellant withdraws the appeal against a decision of [^{F76}[^{F74}the appropriate Minister] or] the High Court;
- (d) the respondent to the appeal consents to the appeal being allowed; or
- (e) the parties agree to a determination without a hearing.

(2) Where the court considers it necessary for a party other than [^{F74}the appropriate Minister] and that party's legal representative to be excluded from a hearing or part of a hearing in order to secure that information is not disclosed contrary to the public interest, the court will—

- (a) direct accordingly; and
- (b) conduct the hearing, or that part of it from which the party and that party's legal representative are excluded, in private but attended by a special advocate to represent the interests of the excluded party.

Textual Amendments

- F73** Words in rule 79.17(1) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **18(d)**
- F74** Words in rule 79.17 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(12)(a)**
- F75** Word in rule 79.17(1)(b) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(12)(b)**
- F76** Words in rule 79.17(1)(c) inserted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(m)**

Appointment of a special advocate

79.18.—(1) Subject to paragraph (2), [^{F77}the appropriate Minister] must immediately give notice of the proceedings to the Attorney General—

- (a) upon being served with any claim form, application notice or appeal notice; or
- (b) where [^{F77}the appropriate Minister][^{F78}intends] to file an appeal notice,

in proceedings to which [^{F79}Section 2 or 3 of] this Part applies.

(2) Paragraph (1) applies unless—

- (a) [^{F77}the appropriate Minister][^{F80}does] not intend to—
 - (i) oppose the claim, application or appeal; or
 - (ii) apply for permission to withhold closed material from a party and that party's legal representative; or
- (b) a special advocate has already been appointed to represent the interests of a party other than [^{F77}the appropriate Minister] and that special advocate is not prevented from communicating with that party by virtue of rule 79.20.

(3) Where any proceedings to which [^{F81}Section 2 or 3 of] this Part applies are pending but no special advocate has been appointed, any party may request the Attorney General to appoint a special advocate.

Textual Amendments

- F77** Words in rule 79.18 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(13)(a)**

- F78** Word in rule 79.18(1)(b) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(13)(b)**
- F79** Words in rule 79.18(1) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **18(e)(i)**
- F80** Word in rule 79.18(2)(a) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(13)(c)**
- F81** Words in rule 79.18(3) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **18(e)(ii)**

Function of a special advocate

79.19. The function of a special advocate is to represent the interests of a party other than [^{F82}the appropriate Minister] by, for example—

- (a) making submissions to the court at any hearing from which the party and that party’s legal representative are excluded;
- (b) adducing evidence and cross-examining witnesses at such a hearing;
- (c) making applications to the court or seeking directions from the court where necessary; and
- (d) making written submissions to the court.

Textual Amendments

- F82** Words in rule 79.19 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(14)**

Special advocate: communicating about proceedings

79.20.—(1) The special advocate may communicate with the specially represented party or that party’s legal representative at any time before [^{F83}the appropriate Minister][^{F84}serves] closed material on the special advocate.

(2) After [^{F83}the appropriate Minister][^{F85}serves] closed material on the special advocate, the special advocate must not communicate with any person about any matter connected with the proceedings, except in accordance with paragraph (3) or a direction of the court pursuant to a request under paragraph (4).

(3) The special advocate may, without directions from the court, communicate about the proceedings with—

- (a) the court;
- (b) [^{F83}the appropriate Minister] and any persons acting for [^{F86}the appropriate Minister];
- (c) the Attorney General and any persons acting for the Attorney General; and
- (d) any other person, except for—
 - (i) the specially represented party and that party’s legal representative; and
 - (ii) any other party to the proceedings (other than [^{F83}the appropriate Minister]) and that party’s legal representative,

with whom it is necessary for administrative purposes for the special advocate to communicate about matters not connected with the substance of the proceedings.

(4) The special advocate may request directions from the court authorising the special advocate to communicate with the specially represented party or that party's legal representative or with any other person.

(5) Where the special advocate makes a request for directions under paragraph (4)—

- (a) the court will notify [^{F83}the appropriate Minister] of the request; and
- (b) [^{F83}the appropriate Minister] must, within a period specified by the court, file and serve on the special advocate notice of any objection which [^{F87}the appropriate Minister has] to the proposed communication, or to the form in which it is proposed to be made.

(6) Paragraph (2) does not prohibit the specially represented party from communicating with the special advocate after [^{F83}the appropriate Minister][^{F88}has] served closed material on the special advocate as mentioned in paragraph (1), but—

- (a) that party may only communicate with the special advocate through a legal representative in writing; and
- (b) the special advocate must not reply to the communication other than in accordance with directions given by the court, except that the special advocate may without such directions send a written acknowledgment of receipt to the specially represented party's legal representative.

Textual Amendments

- F83** Words in rule 79.20 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(15)(a)**
- F84** Word in rule 79.20(1) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(15)(b)**
- F85** Word in rule 79.20(2) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(15)(b)**
- F86** Words in rule 79.20(3)(b) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(15)(c)**
- F87** Words in rule 79.20(5)(b) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(15)(d)**
- F88** Word in rule 79.20(6) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(15)(e)**

Consideration of [^{F89}the appropriate Minister's] objection

79.21.—(1) Where [^{F90}the appropriate Minister][^{F91}objects] under rule 79.20(5)(b) to a proposed communication by the special advocate [^{F92}or to the form in which it is proposed to be made] the court will fix a hearing for [^{F90}the appropriate Minister] and the special advocate to make oral representations, unless—

- (a) the special advocate gives notice to the court that the special advocate does not challenge the objection;
- (b) the court —
 - (i) has previously considered an objection under rule 79.20(5)(b) to the same or substantially the same communication; and
 - (ii) is satisfied that it would be just to uphold or dismiss that objection without a hearing;or

- (c) [F90the appropriate Minister] and the special advocate consent to the court deciding the issue without a hearing.
- (2) If the special advocate does not challenge the objection, the special advocate must give notice of that fact to the court and to [F90the appropriate Minister] —
- (a) within 14 days after [F90the appropriate Minister][F93serves] on the special advocate a notice under rule 79.20(5)(b); or
- (b) within such other period as the court may direct.
- (3) Where the court fixes a hearing under paragraph (1)—
- (a) the special advocate may file with the court and serve on [F90the appropriate Minister] a reply to [F94the appropriate Minister’s] objection;
- (b) [F90the appropriate Minister] may file with the court and serve on the special advocate a response to the special advocate’s reply; and
- (c) [F90the appropriate Minister] and the special advocate must file with the court at least 7 days before the hearing a schedule identifying the issues which cannot be agreed between them and which must—
- (i) give brief reasons for their contentions on each issue in dispute; and
- (ii) set out any proposals for the court to resolve the issues in dispute.
- (4) A hearing under this rule must take place in the absence of the specially represented party and that party’s legal representative.

Textual Amendments

- F89** Words in rule 79.21 heading substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(16)(a)**
- F90** Words in rule 79.21 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(16)(b)**
- F91** Word in rule 79.21(1) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(16)(c)**
- F92** Words in rule 79.21(1) inserted (17.4.2015) by [The Civil Procedure \(Amendment No. 3\) Rules 2015 \(S.I. 2015/877\)](#), rules 2, **6**
- F93** Word in rule 79.21(2)(a) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(16)(d)**
- F94** Words in rule 79.21(3)(a) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(16)(e)**

Modification of the general rules of evidence and disclosure

79.22.—(1) Part 31 (disclosure and inspection of documents), Part 32 (evidence) and Part 33 (miscellaneous rules about evidence) do not apply to any proceedings to which [F95Section 2 or 3 of] this Part applies.

(2) Subject to the other rules in [F96Section 2, 3 and this Section of] this Part and to any directions of the court, the evidence of a witness may be given either—

- (a) orally before the court; or
- (b) in a witness statement.

(3) The court may also receive evidence in documentary or any other form.

(4) A party is entitled to adduce evidence and to cross-examine witnesses during any part of a hearing from which a party and that party’s legal representative are not excluded.

[
F97(4A) A special advocate is entitled to adduce evidence and to cross-examine witnesses.]

(5) The court may require a witness to give evidence on oath or by affirmation.

Textual Amendments

F95 Words in rule 79.22(1) inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **18(f)(i)**

F96 Words in rule 79.22(2) inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **18(f)(ii)**

F97 Rule 79.22(4A) inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **18(f)(iii)**

Search for, filing of and service of material

79.23.—(1) A party (the disclosing party) must—

- (a) make a reasonable search for material relevant to the matters under consideration in the proceedings to which [F98Section 2 or 3 of] this Part applies; and
- (b) file and serve on the other party and any special advocate material other than closed material—
 - (i) on which the disclosing party relies;
 - (ii) which adversely affects the disclosing party’s case; [F99or]
 - F100(iii)
 - (iv) which supports the other party’s case.

F101(1A)

(2) The factors relevant in deciding the reasonableness of a search under paragraph (1)(a) include—

- (a) the amount of material involved;
- (b) the nature and complexity of the proceedings;
- (c) whether the material is in the control of the party making the search;
- (d) the ease and expense of retrieval of any material; and
- (e) the significance of any material which is likely to be located during the search.

(3) The duty to search for, file and serve material under paragraph (1) continues until the proceedings to which [F102Section 2 or 3 of] this Part applies have been determined.

(4) Where material, other than closed material, to which the duty under paragraph (1) extends comes to a party’s attention before the proceedings to which [F103Section 2 or 3 of] this Part applies have been determined, that party must immediately—

- (a) file it with the court;
- (b) serve it on the other party; and
- (c) serve it on any special advocate.

Textual Amendments

- F98** Words in rule 79.23(1)(a) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009](#) (S.I. 2009/2092), rules 1(2), **18(g)(i)**
- F99** Word in rule 79.23(1)(b)(ii) inserted (1.10.2011) by [The Civil Procedure \(Amendment No.2\) Rules 2011](#) (S.I. 2011/1979), rules 1(3), **5(b)(i)**
- F100** Rule 79.23(1)(b)(iii) omitted (1.10.2011) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2011](#) (S.I. 2011/1979), rules 1(3), **5(b)(ii)**
- F101** Rule 79.23(1A) omitted (1.10.2011) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2011](#) (S.I. 2011/1979), rules 1(3), **5(c)**
- F102** Words in rule 79.23(3) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009](#) (S.I. 2009/2092), rules 1(2), **18(g)(ii)**
- F103** Words in rule 79.23(4) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009](#) (S.I. 2009/2092), rules 1(2), **18(g)(iii)**

Redacted material

79.24. Where [^{F104}the appropriate Minister][^{F105}serves] on another party any evidence (including a witness statement) or material which has been redacted on grounds other than those of legal professional privilege, [^{F104}the appropriate Minister] must—

- (a) notify the party that the evidence or material has been redacted and on what grounds it has been redacted;
- (b) file the evidence or material with the court in an unredacted form together with an explanation of the redaction.

Textual Amendments

- F104** Words in rule 79.24 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019](#) (S.I. 2019/147), rules 1, **3(17)(a)**
- F105** Word in rule 79.24 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019](#) (S.I. 2019/147), rules 1, **3(17)(b)**

Application to withhold closed material

- 79.25.—**(1) [^{F106}The appropriate Minister]—
- (a) must apply to the court for permission to withhold closed material from another party and that party's legal representative in accordance with this rule; and
 - (b) may not rely on closed material at a hearing unless a special advocate has been appointed and attends the hearing to represent the interests of that party.
- (2) [^{F106}The appropriate Minister] must file with the court and serve, at such time as the court directs, on the special advocate—
- (a) the closed material;
 - (b) a statement of the reasons for withholding that material from the specially represented party; and
 - (c) if [^{F106}the appropriate Minister][^{F107}considers] it possible to summarise that material without disclosing information contrary to the public interest, a summary of that material in a form which can be served on the specially represented party or that party's legal representative.

- (3) Where [F106the appropriate Minister][F108serves] on the special advocate any closed material which has been redacted on grounds other than those of legal professional privilege—
- (a) [F106the appropriate Minister] must file with the court the material in an unredacted form together with an explanation of the redactions; and
 - (b) the court will give a direction to [F106the appropriate Minister] as to what may be redacted and what, if any, must be served on the special advocate in an [F109unredacted] form.
- (4) [F106The appropriate Minister] may at any time amend or supplement material filed under this rule, but only with—
- (a) the agreement of the special advocate; or
 - (b) the permission of the court.

Textual Amendments

F106 Words in rule 79.25 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(18)(a)**

F107 Word in rule 79.25(2)(c) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(18)(b)**

F108 Word in rule 79.25(3) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(18)(c)**

F109 Word in rule 79.25(3)(b) substituted (24.12.2010) by [The Civil Procedure \(Amendment No.4\) Rules 2010 \(S.I. 2010/3038\)](#), rules 1(2), **3(o)**

Consideration of [F110the appropriate Minister's] application

79.26.—(1) Where [F111the appropriate Minister][F112applies] in accordance with rule 79.25 for permission to withhold closed material the court will fix a hearing for [F111the appropriate Minister] and the special advocate to make oral representations, unless—

- (a) the special advocate gives notice to the court that the special advocate does not challenge the application;
- (b) the court—
 - (i) has previously considered an application for permission to withhold the same or substantially the same material; and
 - (ii) is satisfied that it would be just to give permission without a hearing; or
- (c) [F111the appropriate Minister] and the special advocate consent to the court deciding the issue without a hearing.

(2) If the special advocate does not challenge the application, the special advocate must give notice of that fact to the court and to [F111the appropriate Minister]—

- (a) within 14 days after [F111the appropriate Minister][F113serves] on the special advocate the material under rule 79.25(2); or
- (b) within such other period as the court may direct.

(3) Where the court fixes a hearing under paragraph (1)—

- (a) the special advocate may file with the court and serve on [F111the appropriate Minister] a reply to [F114the appropriate Minister's] application;
- (b) [F111the appropriate Minister] may file with the court and serve on the special advocate a response to the special advocate's reply; and

- (c) [F111the appropriate Minister] and the special advocate must file with the court at least 7 days before the hearing a schedule identifying the issues which cannot be agreed between them and which must—
- (i) give brief reasons for their contentions on each issue in dispute; and
 - (ii) set out any proposals for the court to resolve the issues in dispute.
- (4) A hearing under this rule must take place in the absence of the specially represented party and that party's legal representative.
- (5) The court will give permission to [F111the appropriate Minister] to withhold closed material where it considers that disclosure of that material would be contrary to the public interest.
- (6) Where the court gives permission to [F111the appropriate Minister] to withhold closed material, the court will—
- (a) consider whether to direct [F111the appropriate Minister] to serve a summary of that material on the specially represented party or that party's legal representative; but
 - (b) ensure that such a summary does not contain material, the disclosure of which would be contrary to the public interest.
- (7) Where the court does not give permission to [F111the appropriate Minister] to withhold closed material from, or directs [F111the appropriate Minister] to serve a summary of that material on, the specially represented party or that party's legal representative—
- (a) [F111the appropriate Minister][F115;is] not required to serve that material or summary; but
 - (b) if [F116the appropriate Minister does] not do so, at a hearing on notice, the court may—
 - (i) where it considers that the material or anything that is required to be summarised might adversely affect [F117the appropriate Minister's] case or supports the case of the specially represented party, direct that [F111the appropriate Minister] must not rely on such material in [F118the appropriate Minister's] case, or must make such concessions or take such other steps, as the court may specify; or
 - (ii) in any other case, direct that [F111the appropriate Minister][F119does] not rely on the material or (as the case may be) on that which is required to be summarised.

Textual Amendments

- F110** Words in rule 79.26 heading substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(a)**
- F111** Words in rule 79.26 substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(b)**
- F112** Word in rule 79.26(1) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(c)**
- F113** Word in rule 79.26(2)(a) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(d)**
- F114** Words in rule 79.26(3)(a) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(e)**
- F115** Word in rule 79.26(7)(a) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(f)(i)**
- F116** Words in rule 79.26(7)(b) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(f)(ii)(aa)**
- F117** Words in rule 79.26(7)(b) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(19)(f)(ii)(bb)**

F118 Words in rule 79.26(7)(b) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(19)(f)(ii)(cc)**

F119 Word in rule 79.26(7)(b) substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(19)(f)(ii)(dd)**

Failure to comply with directions

79.27.—(1) Where a party or special advocate fails to comply with a direction of the court, the court may serve on that party or the special advocate a notice which states—

- (a) the respect in which that party or special advocate has failed to comply with the direction;
- (b) a time limit for complying with the direction; and
- (c) that the court may proceed to determine the proceedings before it, on the material available to it, if the party or special advocate fails to comply with the relevant direction within the time specified.

(2) Where a party or special advocate fails to comply with such a notice, the court may proceed in accordance with paragraph (1)(c).

Judgments

79.28.—(1) When the court gives judgment in any proceedings to which [^{F120}Section 2 or 3 of] this Part applies, it may withhold all or some of its reasons if and to the extent that it is not possible to give reasons without disclosing information contrary to the public interest.

(2) Where the judgment of the court does not include the full reasons for its decision, the court will serve on [^{F121}the appropriate Minister] and the special advocate a separate written judgment including those reasons.

(3) Where the court serves a separate written judgment under paragraph (2), the special advocate may apply to the court to amend that judgment and the judgment under paragraph (1) on the grounds that the separate written judgment under paragraph (2) contains material not in the judgment under paragraph (1) the disclosure of which would not be contrary to the public interest.

(4) The special advocate must serve a copy of the application under paragraph (3) on [^{F121}the appropriate Minister].

(5) The court will give the special advocate and [^{F121}the appropriate Minister] an opportunity to file written submissions and may determine the application with or without a hearing.

Textual Amendments

F120 Words in rule 79.28(1) inserted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **18(h)**

F121 Words in rule 79.28 substituted (1.3.2019) by [The Civil Procedure \(Amendment\) \(EU Exit\) Rules 2019 \(S.I. 2019/147\)](#), rules 1, **3(20)**

Application by [^{F122}appropriate Minister] for reconsideration of order, direction or judgment

79.29.—(1) This rule applies where the court proposes, in any proceedings to which [^{F123}Section 2 or 3 of] this Part applies, to serve on a party other than [^{F124}the appropriate Minister] —

- (a) notice of any order or direction made or given in the absence of [^{F124}the appropriate Minister]; or

(b) any written judgment.

(2) Before the court serves any such notice or judgment on a party other than [F124the appropriate Minister], it will first serve notice on [F124the appropriate Minister] of its intention to do so.

(3) [F124the appropriate Minister] may, within 5 days of being served with notice under paragraph (2), apply to the court to reconsider the terms of the order or direction or to review the terms of the proposed judgment if [F125the appropriate Minister considers]—

(a) [F126the appropriate Minister’s] compliance with the order or direction; or

(b) the notification to another party of any matter contained in the judgment, order or direction, would cause information to be disclosed contrary to the public interest.

(4) Where [F124the appropriate Minister][F127makes] an application under paragraph (3), [F128the appropriate Minister] must at the same time serve on a special advocate, if one has been appointed—

(a) a copy of the application;

(b) a copy of the relevant document referred to in paragraph (1)(a) or (b); and

(c) a copy of the notice served on [F124the appropriate Minister] pursuant to paragraph (2).

(5) If a special advocate has been appointed, rule 79.26 (except for paragraphs (6) and (7)) will apply with any necessary modifications to the consideration of an application under paragraph (3) of this rule.

(6) The court will not serve notice on a party other than [F124the appropriate Minister] as mentioned in paragraph (1) before the time for [F124the appropriate Minister] to make an application under paragraph (3) has expired.

Textual Amendments

F122 Words in rule 79.29 heading substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(21)(a)**

F123 Words in rule 79.29(1) inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **18(i)**

F124 Words in rule 79.29 substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(21)(b)**

F125 Words in rule 79.29(3) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(21)(c)(i)**

F126 Words in rule 79.29(3) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(21)(c)(ii)**

F127 Word in rule 79.29(4) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(21)(d)(i)**

F128 Words in rule 79.29(4) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(21)(d)(ii)**

Supply of court documents

79.30. Unless the court directs otherwise, rule 5.4 (Register of Claims), rule 5.4B (Supply of documents from court records – a party) and rule 5.4C (Supply of documents from court records – a non-party) do not apply to any proceedings to which [F129Section 2 or 3 of] this Part applies or to any document relating to such proceedings.]

Textual Amendments

F129 Words in rule 79.30 inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **18(j)**

*[^{F130}SECTION 5
NOTIFICATION ORDERS*

Textual Amendments

F130 Pt. 79 Section 5 inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **18(k)**

Applications for a notification order

79.31.—(1) An application for a notification order under Schedule 4 to the [^{F131}2008] Act must be made in accordance with Part 8.

(2) Where the defendant wishes to serve a notice under paragraph 2(4) of Schedule 4 to the [^{F132}2008] Act, the defendant must file and serve the notice with an acknowledgment of service not more than 14 days after service of the claim form.]

Textual Amendments

F131 Word in rule 79.31(1) inserted (17.12.2010) by Terrorist Asset-Freezing etc. Act 2010 (c. 38), s. 55(1), **Sch. 1 para. 5(h)**

F132 Word in rule 79.31(2) inserted (17.12.2010) by Terrorist Asset-Freezing etc. Act 2010 (c. 38), s. 55(1), **Sch. 1 para. 5(i)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART79.