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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 79**

**[<sup>F1</sup>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]**

*SECTION 2*

*[<sup>F1</sup>APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS DECISIONS UNDER THE  
2008 ACT OR THE 2010 ACT AND SANCTIONS DECISIONS UNDER THE 2018 ACT.]*

**[<sup>F1</sup>Response by [<sup>F2</sup>the appropriate Minister]**

**79.11.**—(1) Where [<sup>F2</sup>the appropriate Minister][<sup>F3</sup>intends] to oppose the application to set aside the financial restrictions decision [<sup>F4</sup>or sanctions decision], [<sup>F5</sup>the appropriate Minister must] file with the court —

- (a) the grounds for contesting the application; and
- (b) any relevant evidence of which [<sup>F6</sup>the appropriate Minister is] aware at that stage.

(2) Unless [<sup>F2</sup>the appropriate Minister][<sup>F7</sup>objects] to the grounds and evidence in paragraph (1) being disclosed to the claimant and the claimant's legal representative, [<sup>F2</sup>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 [<sup>F2</sup>the appropriate Minister][<sup>F8</sup>objects] to the grounds and evidence in paragraph (1) being disclosed to the claimant and the claimant's legal representative, [<sup>F2</sup>the appropriate Minister] must make an application in accordance with rule 79.25.

(4) Where a special advocate has been appointed, [<sup>F2</sup>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 [<sup>F2</sup>the appropriate Minister] to file and serve further information about [<sup>F9</sup>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 [<sup>F10</sup>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 [<sup>F11</sup>or sanctions decision]; and
- (b) may be provided without disproportionate cost, time or effort.
- (8) Where [<sup>F2</sup>the appropriate Minister][<sup>F12</sup>objects] to serving on the claimant and the claimant's legal representative the information sought under paragraph (5), [<sup>F2</sup>the appropriate Minister] must make an application in accordance with rule 79.25.]

#### 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** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 79.11.