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STATUTORY INSTRUMENTS

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**2010 No. 43**

**The Tribunal Procedure (Amendment) Rules 2010**

**Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008**

7. In rule 10 (orders for costs)—

(a) in rule 10(1) after “tribunal except—” insert as sub-paragraph (aa) “in a national security certificate appeal, to the extent permitted by paragraph (1A);”;

(b) after rule 10(1) insert—

“(1A) In a national security certificate appeal—

(a) the Upper Tribunal may make an order in respect of costs or expenses in the circumstances described at paragraph (3)(c) and (d);

(b) if the appeal is against a certificate, the Upper Tribunal may make an order in respect of costs or expenses against the relevant Minister and in favour of the appellant if the Upper Tribunal allows the appeal and quashes the certificate to any extent or the Minister withdraws the certificate;

(c) if the appeal is against the application of a certificate, the Upper Tribunal may make an order in respect of costs or expenses—

(i) against the appellant and in favour of any other party if the Upper Tribunal dismisses the appeal to any extent; or

(ii) in favour of the appellant and against any other party if the Upper Tribunal allows the appeal to any extent.”