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STATUTORY INSTRUMENTS

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**2019 No. 147**

**The Civil Procedure (Amendment) (EU Exit) Rules 2019**

**Amendment of Part 79 of the Civil Procedure Rules 1998**

3.—(1) Part 79 of the Civil Procedure Rules 1998 (proceedings under the Counter-Terrorism Act 2008<sup>(1)</sup> and Part 1 of the Terrorist Asset-Freezing etc. Act 2010<sup>(2)</sup>) is amended as follows.

(2) For the title of Part 79 substitute—

*“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”.*

(3) In the table of contents for Part 79—

- (a) for the cross-heading for section 2, substitute “APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS DECISIONS UNDER THE 2008 ACT OR THE 2010 ACT AND SANCTIONS DECISIONS UNDER THE 2018 ACT”;
- (b) in the entry for rule 79.11, for “the Treasury” substitute “the appropriate Minister”;
- (c) in the entry for rule 79.21, for “the Treasury’s” substitute “the appropriate Minister’s”;
- (d) in the entry for rule 79.26, for “the Treasury’s” substitute “the appropriate Minister’s”;
- (e) in the entry for rule 79.29, for “Treasury” substitute “appropriate Minister”.

(4) In rule 79.1—

- (a) in paragraph (1)(b), after “2010” insert “, and sanctions proceedings under the Sanctions and Anti-Money Laundering Act 2018”;
- (b) in paragraph (2)—

(i) after sub-paragraph (aa), insert—

“(ab) “the 2018 Act” means the Sanctions and Anti-Money Laundering Act 2018;

(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;”;

(ii) after sub-paragraph (b), insert—

“(ba) “sanctions decision” means a decision to which section 38 of the 2018 Act (court review of decisions) applies;”;

(iii) after sub-paragraph (c), insert—

“(cza) “sanctions proceedings” means proceedings—

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(1) 2008 c. 28.

(2) 2010 c. 38.

- (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;”;
- (iv) in sub-paragraph (d)—
  - (aa) in paragraph (i), for “the Treasury wish” substitute “the appropriate Minister wishes”;
  - (bb) in paragraph (ii), for “the Treasury’s” substitute “the appropriate Minister’s”;
  - (cc) in paragraph (iii), for “the Treasury are” substitute “the appropriate Minister is”;
  - (dd) in the words after paragraph (iii), for “the Treasury object” substitute “the appropriate Minister objects”;
- (v) in sub-paragraphs (e) and (g), for “the Treasury” substitute “the appropriate Minister”;
- (vi) in sub-paragraph (h), after “the 2010 Act” insert “and section 40(1) of the 2018 Act”;
- (vii) in sub-paragraph (i), for “the Treasury” substitute “the appropriate Minister”.
- (c) For the heading to section 2 substitute—

*“APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS  
DECISIONS UNDER THE 2008 ACT OR THE 2010 ACT  
AND SANCTIONS DECISIONS UNDER THE 2018 ACT.”.*

- (5) In rule 79.3, after “2010 Act” insert “or a sanctions decision under section 38(2) of the 2018 Act”.
- (6) In rule 79.5(1), after “decision” insert “or sanctions decision”.
- (7) In rule 79.6—
  - (a) in paragraphs (1) and (2)(a) and (b), after “decision” insert “or sanctions decision”;
  - (b) in paragraph (3)(a)(i)—
    - (i) after “decision” insert “or sanctions decision”;
    - (ii) for “the Treasury” substitute “the appropriate Minister”.
- (8) In rules 79.8, 79.9 and 79.10, in each place it occurs, for “the Treasury” substitute “the appropriate Minister”.
- (9) In rule 79.11—
  - (a) in each place it occurs (including the heading), for “the Treasury” substitute “the appropriate Minister”;
  - (b) in paragraph (1)—
    - (i) for “intend” substitute “intends”;
    - (ii) after “decision” insert “or sanctions decision”;
    - (iii) for “they must” substitute “the appropriate Minister must”;
    - (iv) for “they are” substitute “the appropriate Minister is”;
  - (c) in paragraphs (2) and (3), for “object” substitute “objects”;
  - (d) in paragraph (5), for “the Treasury’s” substitute “the appropriate Minister’s”;
  - (e) in paragraphs (6)(b) and (7)(a), after “decision” insert “or sanctions decision”;

- (f) in paragraph (8), for “object” substitute “objects”.
- (10) In rule 79.12—
  - (a) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (b) in paragraph (1), after “decision” insert “or sanctions decision”;
  - (c) in paragraph (3), for “seek” substitute “seeks”.
- (11) In rule 79.13, after “proceedings” insert “and sanctions proceedings”.
- (12) In rule 79.17—
  - (a) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (b) in paragraph (1)(b), for “consent” substitute “consents”.
- (13) In rule 79.18—
  - (a) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (b) in paragraph (1)(b), for “intend” substitute “intends”;
  - (c) in paragraph (2)(a), for “do” substitute “does”.
- (14) In rule 79.19, for “the Treasury” substitute “the appropriate Minister”.
- (15) In rule 79.20—
  - (a) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (b) in paragraphs (1) and (2), for “serve” substitute “serves”;
  - (c) in paragraph (3)(b), for “them” substitute “the appropriate Minister”;
  - (d) in paragraph (5)(b), for “they have” substitute “the appropriate Minister has”;
  - (e) in paragraph (6), for “have” substitute “has”.
- (16) In rule 79.21—
  - (a) in the heading, for “the Treasury’s” substitute “the appropriate Minister’s”;
  - (b) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (c) in paragraph (1), for “object” substitute “objects”;
  - (d) in paragraph (2)(a), for “serve” substitute “serves”;
  - (e) in paragraph (3)(a), for “the Treasury’s” substitute “the appropriate Minister’s”.
- (17) In rule 79.24—
  - (a) in both places, for “the Treasury” substitute “the appropriate Minister”;
  - (b) for “serve” substitute “serves”.
- (18) In rule 79.25—
  - (a) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (b) in paragraph (2)(c), for “consider” substitute “considers”;
  - (c) in paragraph (3), for “serve” substitute “serves”.
- (19) In rule 79.26—
  - (a) in the heading, for “the Treasury’s” substitute “the appropriate Minister’s”;
  - (b) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (c) in paragraph (1), for “apply” substitute “applies”;
  - (d) in paragraph (2)(a), for “serve” substitute “serves”;
  - (e) in paragraph (3)(a), for “the Treasury’s” substitute “the appropriate Minister’s”;
  - (f) in paragraph (7)—

- (i) in sub-paragraph (a), for “are” substitute “is”;
  - (ii) in sub-paragraph (b)—
    - (aa) for “they do” substitute “the appropriate Minister does”;
    - (bb) for “the Treasury’s” substitute “the appropriate Minister’s”;
    - (cc) for “their” substitute “the appropriate Minister’s”;
    - (dd) for “do” substitute “does”.
- (20) In rule 79.28, in each place it occurs, for “the Treasury” substitute “the appropriate Minister”.
- (21) In rule 79.29—
- (a) in the heading, for “Treasury” substitute “appropriate Minister”;
  - (b) in each place it occurs, for “the Treasury” substitute “the appropriate Minister”;
  - (c) in paragraph (3)—
    - (i) for “they consider” substitute “the appropriate Minister considers”;
    - (ii) for “their” substitute “the appropriate Minister’s”;
  - (d) in paragraph (4)—
    - (i) for “make” substitute “makes”;
    - (ii) for “they” substitute “the appropriate Minister”.