



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 6

FINANCIAL RESTRICTIONS PROCEEDINGS

CHAPTER 2

FINANCIAL RESTRICTIONS PROCEEDINGS

Supplementary provisions

71 Allocation of proceedings to Queen's Bench Division

In paragraph 2 of Schedule 1 to the Supreme Court Act 1981 (c. 54) (business allocated to the Queen's Bench Division), after sub-paragraph (ba) insert—

- “(bb) all financial restrictions proceedings within the meaning of Chapter 2 of Part 6 of the Counter-Terrorism Act 2008 (see section 65 of that Act);”.

72 Initial exercise of powers by Lord Chancellor

- (1) The first time after the passing of this Act that rules of court are made in exercise of the powers conferred by this Chapter—
- (a) in relation to proceedings in England and Wales, or
 - (b) in relation to proceedings in Northern Ireland,
- they may be made by the Lord Chancellor instead of by the person who would otherwise make them.
- (2) Before making rules of court under this section, the Lord Chancellor must consult—
- (a) in relation to rules applicable to proceedings in England and Wales, the Lord Chief Justice of England and Wales;

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross Heading: Supplementary provisions. (See end of Document for details)

- (b) in relation to rules applicable to proceedings in Northern Ireland, the Lord Chief Justice of Northern Ireland.

The Lord Chancellor is not required to undertake any other consultation before making the rules.

- (3) The requirements of subsection (2)(a) and (b) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (4) Rules of court made by the Lord Chancellor under this section—
 - (a) must be laid before Parliament, and
 - (b) if not approved by a resolution of each House before the end of 40 days beginning with the day on which they were made, cease to have effect at the end of that period.

In reckoning the period of 40 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (5) If rules cease to have effect in accordance with subsection (4)—
 - (a) that does not affect anything previously done in reliance on the rules; and
 - (b) subsection (1) applies as if the rules had not been made.
- (6) The following provisions do not apply to rules of court made by the Lord Chancellor under this section—
 - (a) section 3(6) of the Civil Procedure Act 1997 (c. 12) (Parliamentary procedure for civil procedure rules);
 - (b) section 56 of the Judicature (Northern Ireland) Act 1978 (c. 23) (statutory rules procedure).

Until section 85 of the Courts Act 2003 (c. 39) (process for making civil procedure rules) comes into force, in paragraph (a) above for “section 3(6)” substitute “section 3(2)”.

73 Interpretation

In this Chapter—

- “financial restrictions proceedings” has the meaning given by section 65;
- “rules of court” means rules for regulating the practice and procedure to be followed in the High Court or the Court of Appeal or in the Court of Session;
- “special advocate” means a person appointed under section 68.

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Cross
Heading: Supplementary provisions.