
Changes to legislation: There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

PROCEEDINGS RELATING TO TERRORISM PREVENTION AND INVESTIGATION MEASURES

Rules of court: disclosure

- 4 (1) Rules of court relating to TPIM proceedings or appeal proceedings must secure—
- (a) that the Secretary of State has the opportunity to make an application to the relevant court for permission not to disclose material otherwise than to the relevant court and any person appointed as a special advocate;
 - (b) that such an application is always considered in the absence of every party to the proceedings (and every party's legal representative);
 - (c) that the relevant court is required to give permission for material not to be disclosed if it considers that the disclosure of the material would be contrary to the public interest;
 - (d) that, if permission is given by the relevant court not to disclose material, it must consider requiring the Secretary of State to provide a summary of the material to every party to the proceedings (and every party's legal representative);
 - (e) that the relevant court is required to ensure that such a summary does not contain material the disclosure of which would be contrary to the public interest.
- (2) Rules of court relating to TPIM proceedings or appeal proceedings must secure that provision to the effect mentioned in sub-paragraph (3) applies in cases where the Secretary of State—
- (a) does not receive the permission of the relevant court to withhold material, but elects not to disclose it, or
 - (b) is required to provide a party to the proceedings with a summary of material that is withheld, but elects not to provide the summary.
- (3) The relevant court must be authorised—
- (a) if it considers that the material or anything that is required to be summarised might adversely affect the Secretary of State's case or support the case of a party to the proceedings, to direct that the Secretary of State—
 - (i) is not to rely on such points in the Secretary of State's case, or
 - (ii) is to make such concessions or take such other steps as the court may specify, or
 - (b) in any other case, to ensure that the Secretary of State does not rely on the material or (as the case may be) on that which is required to be summarised.
- (4) In this paragraph—
- (a) references to a party to the proceedings do not include the Secretary of State;
 - (b) references to a party's legal representative do not include a person appointed as a special advocate.

Changes to legislation:

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