STATUTORY RULES OF NORTHERN IRELAND

2010 No. 430

COURT OF JUDICATURE, NORTHERN IRELAND

The Rules of the Court of Judicature (Northern Ireland) (Amendment No.3) 2010

Made - - - - 23rd December 2010

Laid before Parliament 23rd December 2010

Coming into operation in accordance with rule 1

Approved by both Houses of Parliament

The Lord Chancellor, in exercise of the power conferred by section 29 of the Terrorist Asset-Freezing etc. Act 2010(**1**) to make rules of court under section 55 of the Judicature (Northern Ireland) Act 1978(**2**) and section 28(4) of the Terrorist Asset-Freezing etc. Act 2010, and after consulting in accordance with section 29(3) of that Act, makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment No.3) 2010.

(2) These Rules come into operation on the day after they are laid.

2. In these Rules, "the principal Rules" means the Rules of the Court of Judicature (Northern Ireland) 1980(**3**) and an Order, Part or rule referred to by number alone means the Order, Part or rule so numbered in the principal Rules.

Amendment to the principal Rules

3. In Order 116B—

(a) in rule 1(1)(b), at the end, omit "and";

(b) after rule 1(1)(b), insert—

"(ba) appeals relating to designations under the Terrorist Asset-Freezing etc. Act 2010; and";

(c) after rule 1(2)(c), insert—

(**1**) 2010 c.38.

(**2**) 1978 c.23, to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4); and by Article 15 of and Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No.976).

(**3**) S.R. 1980 No. 346. The Rules of the Supreme Court (Northern Ireland) 1980 were re-named in accordance with paragraph 3 of Schedule 11 to the Constitutional Reform Act 2005 (c.4). The most recent relevant amendments were made by S.R.2008 No.479, S.R.2009 No.264, and the Terrorist Asset-Freezing etc. Act 2010, Schedule 1.

"(ca) "designation" means a designation in accordance with Chapter 1 of Part 1 of the 2010 Act;";

(d) in the heading to Part II, at the end, insert "UNDER THE 2008 ACT OR THE 2010 ACT";

(e) in rule 3, at the end, insert "under section 63(2) of the 2008 Act or section 27(2) of the 2010 Act";

(f) for Part III, substitute the new Part III as set out in the Schedule to these Rules;

(g) in the heading to Part IV, at the end, insert "APPLICABLE TO PARTS II and III OF THIS ORDER";

(h) in rule 20, for "rule 1(1)(a) and (b)." substitute "Parts II and III of this Order.";

(i) in rule 22(1)(c), after "a decision of" insert "the Treasury or";

(j) in rule 28, after paragraph (1), insert—

"(1A) paragraph (1)(b)(iii) does not apply in respect of appeals in relation to designations.".

Signed by authority of the Lord Chancellor

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

Dated 23rd December 2010

SCHEDULE Rule 3(f)

"PART III

APPEALS

A. APPEAL TO THE HIGH COURT IN RESPECT OF DESIGNATIONS

Application and Modification of Order 55

12.—(1) Order 55 Part II applies to an appeal to the High Court under section 26 of the 2010 Act (appeals to the court in relation to designations) in relation to designations and variations, revocation and renewal of those designations, subject to—

(a) rule 2;

(b) the rules in Part IV of this Order; and

(c) the modification set out in paragraph (2).

(2) Order 55, rules 16 to 20 do not apply to appeals to the High Court under section 26 of the 2010 Act.

Notice of Motion

13.—(1) The notice of motion must set out the details of—

(a) the interim or final designation;

(b) how the appellant is affected by the interim or final designation; and

(c) the grounds of the appeal.

(2) The appellant must file and serve the following documents with the notice of motion—

(a) a copy of the written notice of the interim or final designation; and

(b) any evidence, including witness statements in support of the application.

(3) The notice of motion may not be amended without the leave of the High Court.

(4) The High Court may strike out the whole or part of a notice of motion where there is a compelling reason to do so.

B. APPEAL TO THE COURT OF APPEAL

Application and Modification of Order 59

14.—(1) Order 59 applies to appeals to the Court of Appeal against orders of the High Court in financial restrictions proceedings, and to appeals to the Court of Appeal in relation to designations under the 2010 Act, subject to—

(a) rule 2 of this Order;

(b) the rules in Part IV of this Order; and

(c) the modification set out in paragraph (2).

(2) Order 59, rules 3(1), (4) and (5), 4, 5, 6(3) and (4), 11, 14 and 16 to 18 do not apply to appeals to the Court of Appeal against orders of the High Court in financial restrictions proceedings, and to appeals to the Court of Appeal in relation to designations under the 2010 Act.