STATUTORY RULES OF NORTHERN IRELAND

2009 No. 264

SUPREME COURT, NORTHERN IRELAND

COUNTER-TERRORISM

The Rules of the Supreme Court (Northern Ireland) (Amendment No.3) 2009

Made - - - - 9th July 2009

To be laid before Parliament

Coming into operation in accordance with Rule 1(1)

The Northern Ireland Supreme Court Rules Committee makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(**1**).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No.3) 2009 and shall come into operation—

(a) for the purposes of rule 2(2) and this rule, on 10th August 2009; and

(b) for all other purposes, on the same day as Schedule 4 to the Counter-Terrorism Act 2008 comes into force.

(2) In these Rules, "the principal Rules" means the Rules of the Supreme Court (Northern Ireland) 1980(**2**) and an Order or Form referred to by a number means an Order or Form so numbered in the principal Rules.

Amendment to the principal Rules

2. The principal Rules shall be amended as follows:—

(1) in Order 1, rule 11(l), omit "- financial restrictions proceedings";

(2) in Order 116A—

(a) for rule 10(2)(b), substitute—

"(b) unless the Court otherwise directs —

(**1**) 1978 c.23 to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4).
(**2**) 1980 No. 346 to which the most recent relevant amendments were made by S.R. 2005 No. 314 and S.R. 2008 No. 479.

(i) in the case of directions given under section 3(2)(c), that date must be no later than 7 days from the date on which the notice of the terms of the control order is delivered to the controlled person in accordance with section 7(8) of the Act; or

(ii) in the case of directions given under section 3(6)(b) or (c), that date must be no later than 7 days from the date on which the Court's determination on the reference is made.";

(b) for rule 22(4), substitute—

"(4) References in this rule—

(a) to an order requiring anonymity for the controlled person are to be construed in accordance with paragraph 5(3) of the Schedule to the Act; and

(b) to the controlled person, in relation to a time before the control order has been made, are to be construed in accordance with paragraphs 5(4) of the Schedule to the Act.";

(c) at the beginning of rule 27(b), insert "adducing evidence and"; and

(d) after rule 29(5), insert—

"(5A) A special advocate shall be entitled to adduce evidence and to cross examine witnesses.";

(3) in Order 116B—

(a) in Part I, for rule 1(1), substitute—

"**1.**—(1) This Order applies to—

(a) financial restrictions proceedings;

(b) appeals to the Court of Appeal against an order of the High Court in such proceedings; and

(c) applications for a notification order under Schedule 4 to the Counter-Terrorism Act 2008.";

(b) in Part III—

(i) for the title, substitute "APPEAL TO THE COURT OF APPEAL IN FINANCIAL RESTRICTIONS PROCEEDINGS";

(ii) in rule 12(2), for "in applications made under this Order", substitute "in applications made under Parts II or IV of this Order"; and

(iii) in rule 14(2), for "appeals brought under this Order", substitute "appeals brought under this Part of this Order";

(c) in Part IV—

(i) for each reference to "proceedings to which this Order applies", substitute "proceedings to which Parts II, III or this Part of this Order apply";

(ii) in rule 20, for "rule 1(1)", substitute "rule 1(1)(a) and (b)";

(iii) in rule 27—

(aa) in paragraph (2), for "Subject to the other rules in this Order", substitute "Subject to the other rules in Parts II, III or this Part of this Order"; and

(bb) after paragraph (4), insert —

"(4A) A special advocate is entitled to adduce evidence and to cross examine witnesses."; and