

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Cross Heading: Procedure. (See end of Document for details)

SCHEDULES

SCHEDULE 6

THE PATHOGENS ACCESS APPEAL COMMISSION

Procedure

- 4 (1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct [^{F1} after consulting the following—
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.]
- (2) The Commission may sit in two or more divisions.
- (3) At each sitting of the Commission—
- (a) three members shall attend;
 - (b) one of the members shall be a person who holds or has held high judicial office (within the meaning of [^{F2}Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council;] and
 - (c) the chairman or another member nominated by him shall preside and report the Commission's decision.
- [^{F3}(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (1).
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

- F1** Words in Sch. 6 para. 4(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 300\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(x)
- F2** Words in Sch. 6 para. 4(3)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 17 para. 31](#); [S.I. 2009/1604, art. 2\(e\)](#)

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F3 Sch. 6 para. 4(4)-(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 300\(3\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(x)

- 5 (1) The Lord Chancellor may make rules—
- (a) regulating the exercise of the right of appeal to the Commission;
 - (b) prescribing practice and procedure to be followed in relation to proceedings before the Commission;
 - (c) providing for proceedings before the Commission to be determined without an oral hearing in specified circumstances;
 - (d) making provision about evidence in proceedings before the Commission (including provision about the burden of proof and admissibility of evidence);
 - (e) making provision about proof of the Commission's decisions.
- (2) In making the rules the Lord Chancellor shall, in particular, have regard to the need to secure—
- (a) that decisions which are the subject of appeals are properly reviewed; and
 - (b) that information is not disclosed contrary to the public interest.
- (3) The rules may, in particular—
- (a) provide for full particulars of the reasons for denial of access to be withheld from the applicant and from any person representing him;
 - (b) enable the Commission to exclude persons (including representatives) from all or part of proceedings;
 - (c) enable the Commission to provide a summary of evidence taken in the absence of a person excluded by virtue of paragraph (b);
 - (d) permit preliminary or incidental functions to be discharged by a single member;
 - (e) permit proceedings for permission to appeal under section 70(5) to be determined by a single member;
 - (f) make provision about the functions of persons appointed under paragraph 6;
 - (g) make different provision for different parties or descriptions of party.
- (4) Rules under this paragraph—
- (a) shall be made by statutory instrument; and
 - (b) shall not be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- (5) In this paragraph a reference to proceedings before the Commission includes a reference to proceedings arising out of proceedings before the Commission.
- 6 (1) The relevant law officer may appoint a person to represent the interests of an organisation or other applicant in proceedings in relation to which an order has been made by virtue of paragraph 5(3)(b).
- (2) The relevant law officer is—
- (a) in relation to proceedings in England and Wales, the Attorney General;
 - (b) in relation to proceedings in Scotland, the Advocate General for Scotland; and
 - (c) in relation to proceedings in Northern Ireland, the Attorney General for Northern Ireland.

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- (3) A person appointed under this paragraph must—
- (a) have a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990 (c. 41) (qualification for legal appointments);
 - (b) be an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980 (c. 46); or
 - (c) be a member of the Bar of Northern Ireland.
- (4) A person appointed under this paragraph shall not be responsible to the applicant whose interests he is appointed to represent.
- (5) In paragraph 5 of this Schedule a reference to a representative does not include a reference to a person appointed under this paragraph.

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