



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 6

#### FINANCIAL RESTRICTIONS PROCEEDINGS

### CHAPTER 2

#### FINANCIAL RESTRICTIONS PROCEEDINGS

#### *Rules of court, disclosure and related matters*

#### **67 Rules of court about disclosure**

- (1) The following provisions apply to rules of court relating to—
  - (a) financial restrictions proceedings, or
  - (b) proceedings on an appeal relating to financial restrictions proceedings.
- (2) Rules of court must secure that the Treasury are required to disclose—
  - (a) material on which they rely,
  - (b) material which adversely affects their case, and
  - (c) material which supports the case of a party to the proceedings.

This is subject to the following provisions of this section.

- (3) Rules of court must secure—
  - (a) that the Treasury have the opportunity to make an application to the court for permission not to disclose material otherwise than to—
    - (i) the court, and
    - (ii) 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);

*Status: Point in time view as at 22/11/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 67. (See end of Document for details)*

- (c) that the 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 court not to disclose material, it must consider requiring the Treasury to provide a summary of the material to every party to the proceedings (and every party's legal representative);
  - (e) that the court is required to ensure that such a summary does not contain material the disclosure of which would be contrary to the public interest.
- (4) Rules of court must secure that in cases where the Treasury—
- (a) do not receive the court's permission to withhold material, but elect not to disclose it, or
  - (b) are required to provide a party to the proceedings with a summary of material that is withheld, but elect not to provide the summary,
- provision to the following effect applies.
- (5) The court must be authorised—
- (a) if it considers that the material or anything that is required to be summarised might adversely affect the Treasury's case or support the case of a party to the proceedings, to direct that the Treasury shall not rely on such points in their case, or shall make such concessions or take such other steps, as the court may specify, or
  - (b) in any other case, to ensure that the Treasury do not rely on the material or (as the case may be) on that which is required to be summarised.
- (6) Nothing in this section, or in rules of court made under it, is to be read as requiring the court to act in a manner inconsistent with Article 6 of the Human Rights Convention.
- (7) In this section—
- (a) references to a party to the proceedings do not include the Treasury;
  - (b) references to a party's legal representative do not include a person appointed as a special advocate; and
  - (c) “the Human Rights Convention” means the Convention within the meaning of the Human Rights Act 1998 (c. 42) (see section 21(1) of that Act).

**Modifications etc. (not altering text)**

- C1** Ss. 66-68 applied (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), **ss. 28(4), 55(1)** (with s. 44)
- C2** Ss. 66-68 applied (with modifications) (22.11.2018) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), **s. 40(1)(2), 64(2)** (with ss. 52(3), 53, 58); S.I. 2018/1213, reg. 2(b)

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**Changes to legislation:**

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