



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 6

#### FINANCIAL RESTRICTIONS PROCEEDINGS

### CHAPTER 2

#### FINANCIAL RESTRICTIONS PROCEEDINGS

#### *Supplementary provisions*

#### **72 Initial exercise of powers by Lord Chancellor**

- (1) The first time after the passing of this Act that rules of court are made in exercise of the powers conferred by this Chapter—
  - (a) in relation to proceedings in England and Wales, or
  - (b) in relation to proceedings in Northern Ireland,they may be made by the Lord Chancellor instead of by the person who would otherwise make them.
- (2) Before making rules of court under this section, the Lord Chancellor must consult—
  - (a) in relation to rules applicable to proceedings in England and Wales, the Lord Chief Justice of England and Wales;
  - (b) in relation to rules applicable to proceedings in Northern Ireland, the Lord Chief Justice of Northern Ireland.

The Lord Chancellor is not required to undertake any other consultation before making the rules.

- (3) The requirements of subsection (2)(a) and (b) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (4) Rules of court made by the Lord Chancellor under this section—

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*Status: This is the original version (as it was originally enacted).*

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- (a) must be laid before Parliament, and
- (b) if not approved by a resolution of each House before the end of 40 days beginning with the day on which they were made, cease to have effect at the end of that period.

In reckoning the period of 40 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (5) If rules cease to have effect in accordance with subsection (4)—
  - (a) that does not affect anything previously done in reliance on the rules; and
  - (b) subsection (1) applies as if the rules had not been made.
- (6) The following provisions do not apply to rules of court made by the Lord Chancellor under this section—
  - (a) section 3(6) of the Civil Procedure Act 1997 (c. 12) (Parliamentary procedure for civil procedure rules);
  - (b) section 56 of the Judicature (Northern Ireland) Act 1978 (c. 23) (statutory rules procedure).

Until section 85 of the Courts Act 2003 (c. 39) (process for making civil procedure rules) comes into force, in paragraph (a) above for “section 3(6)” substitute “section 3(2)”.