
STATUTORY INSTRUMENTS

1998 No. 1881

**The Special Immigration Appeals
Commission (Procedure) Rules 1998**

**PART II
APPEALS**

Consideration of Secretary of State's objection

11.—(1) Proceedings under this rule shall take place in the absence of the appellant and his representative.

(2) The Commission shall decide whether to uphold the Secretary of State's objection.

(3) Before doing so, it must invite the special advocate to make written representations.

(4) After considering representations made under paragraph (3), the Commission may—

(a) invite the special advocate to make oral representations; or

(b) uphold the Secretary of State's objection without requiring further representations from the special advocate.

(5) Where the Commission is minded to overrule the Secretary of State's objection, or to require him to provide material in a different form from that in which he has provided it under rule 10(2)(b), the Commission must invite the Secretary of State and the special advocate to make oral representations.

(6) Where—

(a) the Commission overrules the Secretary of State's objection or requires him to provide material in a different form from that which he has provided under rule 10(2)(b), and

(b) the Secretary of State wishes to continue to oppose the appeal,

he shall not be required to disclose any material which was the subject of his unsuccessful objection if he chooses not to rely upon it in opposing the appeal.