
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 79

**[^{F1}PROCEEDINGS UNDER THE COUNTER-TERRORISM ACT 2008, PART
1 OF THE TERRORIST ASSET-FREEZING ETC. ACT 2010 AND PART
1 OF THE SANCTIONS AND ANTI-MONEY LAUNDERING ACT 2018]**

SECTION 2

*[^{F1}APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS DECISIONS UNDER THE
2008 ACT OR THE 2010 ACT AND SANCTIONS DECISIONS UNDER THE 2018 ACT.]*

[^{F1}Response by [^{F2}the appropriate Minister]

79.11.—(1) Where [^{F2}the appropriate Minister][^{F3}intends] to oppose the application to set aside the financial restrictions decision [^{F4}or sanctions decision], [^{F5}the appropriate Minister must] file with the court —

- (a) the grounds for contesting the application; and
- (b) any relevant evidence of which [^{F6}the appropriate Minister is] aware at that stage.

(2) Unless [^{F2}the appropriate Minister][^{F7}objects] to the grounds and evidence in paragraph (1) being disclosed to the claimant and the claimant's legal representative, [^{F2}the appropriate Minister] must serve a copy of the grounds and evidence on the claimant at the same time as filing the grounds.

(3) Where [^{F2}the appropriate Minister][^{F8}objects] to the grounds and evidence in paragraph (1) being disclosed to the claimant and the claimant's legal representative, [^{F2}the appropriate Minister] must make an application in accordance with rule 79.25.

(4) Where a special advocate has been appointed, [^{F2}the appropriate Minister] must serve on that special advocate a copy of the grounds and evidence filed under paragraph (1).

(5) The claimant and any special advocate may apply to the court for an order directing [^{F2}the appropriate Minister] to file and serve further information about [^{F9}the appropriate Minister's] grounds filed under paragraph (1)(a).

(6) The application under paragraph (5) must set out—

- (a) what information is sought; and
- (b) why the information sought is necessary for the determination of the application to set aside the financial restrictions decision [^{F10}or sanctions decision].

(7) The court may make an order on an application under paragraph (5) where it considers that the information sought is—

- (a) necessary for the determination of the application to set aside the financial restrictions decision [^{F11}or sanctions decision]; and
- (b) may be provided without disproportionate cost, time or effort.
- (8) Where [^{F2}the appropriate Minister][^{F12}objects] to serving on the claimant and the claimant's legal representative the information sought under paragraph (5), [^{F2}the appropriate Minister] must make an application in accordance with rule 79.25.]

Textual Amendments

- F1** Pt. 79 inserted (4.12.2008) by The Civil Procedure (Amendment No.2) Rules 2008 (S.I. 2008/3085), rule 1, **Sch.**
- F2** Words in rule 79.11 substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(a)**
- F3** Word in rule 79.11(1) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(b)(i)**
- F4** Words in rule 79.11(1) inserted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(b)(ii)**
- F5** Words in rule 79.11(1) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(b)(iii)**
- F6** Words in rule 79.11(1) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(b)(iv)**
- F7** Word in rule 79.11(2) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(c)**
- F8** Word in rule 79.11(3) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(c)**
- F9** Words in rule 79.11(5) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(d)**
- F10** Words in rule 79.11(6)(b) inserted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(e)**
- F11** Words in rule 79.11(7)(a) inserted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(e)**
- F12** Word in rule 79.11(8) substituted (1.3.2019) by The Civil Procedure (Amendment) (EU Exit) Rules 2019 (S.I. 2019/147), rules 1, **3(9)(f)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 79.11.