
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 79

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

SECTION 4

GENERAL PROVISIONS [^{F1}APPLICABLE TO SECTIONS 2 AND 3 OF THIS PART]

[^{F1}Consideration of the Treasury's objection

79.21.—(1) Where the Treasury object under rule 79.20(5)(b) to a proposed communication by the special advocate [^{F2}or to the form in which it is proposed to be made] the court will fix a hearing for the Treasury and the special advocate to make oral representations, unless—

- (a) the special advocate gives notice to the court that the special advocate does not challenge the objection;
- (b) the court —
 - (i) has previously considered an objection under rule 79.20(5)(b) to the same or substantially the same communication; and
 - (ii) is satisfied that it would be just to uphold or dismiss that objection without a hearing;or
- (c) the Treasury and the special advocate consent to the court deciding the issue without a hearing.

(2) If the special advocate does not challenge the objection, the special advocate must give notice of that fact to the court and to the Treasury—

- (a) within 14 days after the Treasury serve on the special advocate a notice under rule 79.20(5)(b); or
- (b) within such other period as the court may direct.

(3) Where the court fixes a hearing under paragraph (1)—

- (a) the special advocate may file with the court and serve on the Treasury a reply to the Treasury's objection;
- (b) the Treasury may file with the court and serve on the special advocate a response to the special advocate's reply; and
- (c) the Treasury and the special advocate must file with the court at least 7 days before the hearing a schedule identifying the issues which cannot be agreed between them and which must—

- (i) give brief reasons for their contentions on each issue in dispute; and

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Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 79.21. (See end of Document for details)

(ii) set out any proposals for the court to resolve the issues in dispute.

(4) A hearing under this rule must take place in the absence of the specially represented party and that party's legal representative.]

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 79.21(1) inserted (17.4.2015) by [The Civil Procedure \(Amendment No. 3\) Rules 2015 \(S.I. 2015/877\)](#), rules 2, **6**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 79.21.