# 2002 No. 1843 (L.7)

# SUPREME COURT OF ENGLAND AND WALES

## The Court of Appeal (Appeals from Proscribed Organisations Appeal Commission) Rules 2002

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| *Made - - - - -* | *16th July 2002* |
| *Coming into force - -* | *23rd July 2002* |

Whereas a draft of these Rules has been laid before, and approved by resolution of, each House of Parliament;

Now, therefore, the Lord Chancellor, in exercise of the powers conferred on him by paragraph 5 of Schedule 3 to the Terrorism Act 2000(**a**), hereby makes the following Rules:

**Citation, commencement and extent**

**1.**—(1) These Rules may be cited as the Court of Appeal (Appeals from Proscribed Organisations Appeal Commission) Rules 2002.

(2) These Rules shall come into force on the expiry of one week beginning with the day on which they are made.

(3) These Rules shall not extend to Scotland or Northern Ireland.

**Interpretation**

**2.** In these Rules "the court" means the Court of Appeal.

**Application of these Rules**

**3.** These Rules apply to any appeal to the court from a determination by the Proscribed Organisations Appeal Commission of an appeal under section 5 of the Terrorism Act 2000 or proceedings under section 7(1)(a) of the Human Rights Act 1998(**b**).

**Non-disclosure of certain information and exclusion of parties**

**4.**—(1) The court must secure that information is not disclosed contrary to the interests of national security, the international relations of the United Kingdom, the detection and prevention of crime, or in any other circumstances when disclosure is contrary to the public interest.

(2) In particular, the court may order the exclusion of any party, including that party's representative, from all or part of the proceedings before the court.

(3) The power conferred by paragraph (2) does not apply to the Secretary of State or his representative.

*Irvine of Lairg,* C.

16th July 2002

(**a**) 2000 c. 11.
(**b**) 1998 c. 42.

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules apply to proceedings before the Court of Appeal on an appeal from the Proscribed Organisations Appeal Commission ("the Commission").

The Secretary of State may, where he believes that an organisation is concerned with terrorism, proscribe that organisation under the Terrorism Act 2000 ("the Act") by adding it to Schedule 2 of that Act. Where an organisation's application to the Secretary of State, under section 4 of the Act, to be removed from Schedule 2 has been refused, it can appeal to the Commission against the refusal of that application. A party to that appeal may bring a further appeal to the Court of Appeal on a question of law with the permission of the Commission or the Court of Appeal. There may also be an appeal on a question of law in connection with proceedings brought before the Commission under the Human Rights Act 1998, by virtue of section 6(1) of the Terrorism Act 2000 as applied by section 9 of that Act.

Rule 4 requires that the Court of Appeal must secure that information is not disclosed contrary to the interests of national security. In this context, rule 4(2) enables the court to exclude any party (other than the Secretary of State) and his representative from the proceedings on the appeal.

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