



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

CHAPTER 4

COURT REVIEWS

40 Rules of court

- (1) Sections 66 to 68 of the Counter-Terrorism Act 2008 (supplementary provisions relating to rules of court and special advocates) apply in relation to proceedings—
 - (a) on an application under section 38 (court review of decisions), or
 - (b) on a claim arising from any matter to which such an application relates,as they apply in relation to financial restrictions proceedings within the meaning of section 65 of that Act, but with the following modification.
- (2) That modification is that any reference in those sections to the Treasury is to be read, in relation to proceedings on an application under section 38 of this Act in respect of a decision of the Secretary of State or a claim arising from any matter to which such an application relates, as a reference to the Secretary of State.
- (3) The first time after the passing of this Act that rules of court are made in exercise of the powers conferred by subsection (1) in relation to proceedings in England and Wales—
 - (a) on an application under section 38, or
 - (b) on a claim arising from any matter to which such an application relates,those rules (together with any related rules of court) may be made by the Lord Chancellor instead of by the person who would otherwise make them.

Status: This is the original version (as it was originally enacted).

- (4) The first time after the passing of this Act that rules of court are made in exercise of the powers conferred by subsection (1) in relation to proceedings in Northern Ireland—
- (a) on an application under section 38, or
 - (b) on a claim arising from any matter to which such an application relates,
- those rules (together with any related rules of court) may be made by the Lord Chancellor instead of by the person who would otherwise make them.
- (5) 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.
- (6) The Lord Chancellor is not required to undertake any other consultation before making the rules.
- (7) The requirements of subsection (5)(a) and (b) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (8) Rules of court made by the Lord Chancellor under this section—
- (a) must be laid before Parliament, and
 - (b) if not approved by a resolution of each House before the end of 28 days beginning with the day on which they were made, cease to have effect at the end of that period.
- (9) In calculating a period of 28 days for the purposes of subsection (8), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (10) If rules cease to have effect in accordance with subsection (8)(b)—
- (a) that does not affect anything done under the rules, and
 - (b) subsection (3) or (as the case may be) (4) applies as if the rules had not been made.
- (11) 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 (Parliamentary procedure for civil procedure rules);
 - (b) section 56(1), (2) and (4) of the Judicature (Northern Ireland) Act 1978 (statutory rules procedure).
- (12) Section 4(1) of the Statutory Instruments Act 1946 (statutory instruments which are required to be laid before Parliament) applies to any such rules applicable to proceedings in Northern Ireland as it applies to a statutory instrument which is required to be laid before Parliament after being made.
- (13) Until section 85 of the Courts Act 2003 (process for making civil procedure rules) comes into force, in subsection (11)(a) above “section 3(6)” is to be read as “section 3(2)”.
- (14) In this section—
- “related rules of court” means rules of court that—

- (a) are contained in the same instrument as the rules mentioned in subsection (3) or (as the case may be) (4), and
 - (b) relate specifically to the same kind of proceedings as those rules,
- “rules of court” means rules for regulating the practice and procedure to be followed in the High Court or the Court of Appeal.