



HIGH COURT ACT 1991

TERRORISM (FINANCE) ACT 2009

RULES OF THE HIGH COURT OF JUSTICE (AMENDMENT) 2010

Laid before Tynwald

2010

Coming into operation

1st June 2010

The Deemsters make these Rules under section 25 of the High Court Act 1991¹ and sections 25 and 26 of the Terrorism (Finance) Act 2009².

1. Title

The title of these Rules is the Rules of the High Court of Justice (Amendment) 2010.

2. Commencement

These Rules come into operation on 1st June 2010.

3. Interpretation

In these Rules "the principal Rules" means the Rules of the High Court of Justice 2009³.

4. Financial restrictions proceedings

- (1) In Schedule 1 to the principal Rules, at the appropriate place in alphabetical order insert –

"Terrorism (Finance) Act 2009	s.25 (rules of court: general provisions)
	s.26 (disclosure)".

¹ 1991 c.12

² 2009 c.8

³ SD 352/09

Price £2.00 Band B

- (2) After rule 13.84 of the principal Rules insert —

"13.85 Financial restrictions proceedings

Schedule 13.2 makes provision for financial restrictions proceedings within the meaning of the Terrorism (Finance) Act 2009."

- (3) After Schedule 13.1 to the principal Rules insert Schedule 13.2 as set out in the Schedule to these Rules.
- (4) In rule 14.1 (appeals: scope and interpretation) of the principal Rules, at the end insert —

"(5) This Chapter applies to appeals relating to financial restrictions proceedings within the meaning of the Terrorism (Finance) Act 2009 subject to the modifications in paragraph 27 of Schedule 13.2."

5. Costs

- (1) In relation to any claim started on or after the coming into operation of these Rules, for the table in rule 11.17 (fixed costs for starting claim) of the principal Rules substitute —

TABLE 1		
FIXED COSTS FOR STARTING CLAIM		
<i>Where claim form is to be served —</i>	<i>within the jurisdiction</i>	<i>outside the jurisdiction</i>
Where value of claim exceeds £25 but does not exceed £1,000	£100	£125
Where value of the claim exceeds £1,000 but does not exceed £3,000	£250	£300
Where value of the claim exceeds £3,000 but does not exceed £5,000; or the only claim is for delivery of goods and no value is specified or stated on claim form	£400	£450

Where value of claim exceeds £5,000 but does not exceed £10,000	£450	£500
Where value of the claim exceeds £10,000 but does not exceed £50,000	£600	£650
Where value of the claim exceeds £50,000 but does not exceed £100,000	£800	£850
Where value of the claim exceeds £100,000 but does not exceed £150,000	£1,000	£1,050
Where value of the claim exceeds £150,000 but does not exceed £200,000	£1,200	£1,250
Where value of the claim exceeds £200,000 but does not exceed £250,000	£1,400	£1,450
Where value of the claim exceeds £250,000 but does not exceed £300,000	£1,600	£1,650
Where value of the claim exceeds £300,000	£1,800	£1,850

- (2) In rule 11.21 (costs in small claims) of the principal Rules, for paragraph (3) substitute —

"(3) The sums referred to in paragraph (2)(b), (c) and (g) shall be —

- (a) those prescribed, or determined in such manner as may be prescribed, by a practice direction, or

(b) in the case of the sum referred to in paragraph (2)(g), that directed by the court to be paid in the special circumstances of the case.

(3A) A party's rejection of an offer in settlement does not of itself constitute unreasonable behaviour under paragraph (2)(h) but the court may take it into consideration when deciding whether he has behaved unreasonably."

6. Minor amendments

In rules 15.10(3) (originating process) and 15.11(1) (application to the court) of the principal Rules, for "Part 2 of Chapter 7" substitute "Chapter 2 of Part 7".

Rule 4(3)

SCHEDULE

NEW SCHEDULE 13.2

SCHEDULE 13.2 – FINANCIAL RESTRICTIONS PROCEEDINGS UNDER TERRORISM (FINANCE) ACT 2009

Rule 13.85

1. Interpretation (79.1)

In this Schedule –

- (a) 'the 2009 Act' means the Terrorism (Finance) Act 2009;
- (b) 'financial restrictions decision' means a decision to which section 23 of the 2009 Act applies;
- (c) 'financial restrictions proceedings' means proceedings in the court on an application under section 23 of the 2009 Act or on a claim arising from any matter to which such an application relates;
- (d) 'closed material' means –
 - (i) material, evidence or submissions to the court upon which the Treasury wish to rely in proceedings;
 - (ii) material which adversely affects the Treasury's case or supports another party's case; or
 - (iii) information which the Treasury is required to file pursuant to an order under paragraph 9(7),

but which the Treasury objects to disclosing to another party and that party's legal representative;

- (e) 'legal representative', in relation to a party, means the advocate for the party, other than a special advocate;
- (f) 'material' means anything in which information of any description is recorded;
- (g) 'party' includes the Treasury unless otherwise stated or the context otherwise requires;
- (h) 'special advocate' means a person appointed under section 27 of the 2009 Act; and
- (i) 'specially represented party' means a party, other than the Treasury, whose interests a special advocate represents.

2. *Modification of overriding objective (79.2)*

- (1) In financial restrictions proceedings the overriding objective in rule 1.2, and so far as relevant any other rule, must be read and given effect in a way which is compatible with the duty set out in sub-paragraph (2).
- (2) The court shall ensure that information is not disclosed contrary to the public interest.
- (3) Without prejudice to sub-paragraph (2), the court shall satisfy itself that the material available to it enables it properly to determine the proceedings.

3. *Procedure on application to set aside financial restrictions decision (79.3-5)*

- (1) An application to set aside a financial restrictions decision shall be allocated to the chancery procedure.
- (2) The following rules do not apply —
 - (a) rule 4.14 (consequence of not filing an acknowledgment of service);
 - (b) rules 5.3 and 5.4 (allocation or transfer of claims to other procedure by court officer or court);
 - (c) rule 5.20 (issue of claim form without naming defendants);
 - (d) rule 5.21 (objection to use of chancery procedure);
 - (e) rule 8.21 (evidence – general); and
 - (f) rule 8.22 (filing and serving written evidence).

4. *Start of proceedings (79.6)*

- (1) An application to set aside a financial restrictions decision must be started by a claim form.
- (2) The claim form must set out —

- (a) the details of the financial restrictions decision;
 - (b) details of how the claimant is affected by the financial restrictions decision; and
 - (c) the grounds on which the claimant seeks to set aside the decision.
- (3) The claimant must file with the claim form –
- (a) a copy of –
 - (i) the written notice of the relevant financial restrictions decision made by the Treasury; or
 - (ii) where relevant, any direction, order or licence made under the Schedule to the Act or any freezing order made under Part VII of the Anti-terrorism and Crime Act 2003; and
 - (b) any evidence, including witness statements, on which the claimant relies at that stage.

5. *Fixing of directions hearing date (79.7)*

- (1) When the court issues the claim form it will fix a date for a directions hearing.
- (2) Unless the court directs otherwise, the directions hearing will be not less than 14 days but not more than 28 days after the date of issue of the claim form.

6. *Service of the claim form and accompanying documents (79.8)*

The court will –

- (a) serve on the Treasury and any special advocate (if one has been appointed) –
 - (i) the claim form; and
 - (ii) the documents specified in paragraph 4(3); and
- (b) send to all parties and any special advocate a notice of the directions hearing date (where such date is not endorsed on the claim form).

7. *Acknowledgment of service (79.9)*

Where a special advocate has been appointed, the Treasury must serve on that special advocate a copy of the acknowledgment of service filed under Chapter 3 of Part 4.

8. *Directions hearing (79.10)*

At the directions hearing the court may give case management directions, in particular –

- (a) for the holding of a further hearing to determine the application;

- (b) fixing a date, time and place for the further hearing at which the parties, their legal representatives (if any) and any special advocate can be present; and
- (c) as to the order in which, and the time within which, the following are to be filed and served –
 - (i) any response to the application to be filed and served by the Treasury under paragraph 9(1), (2) and (4);
 - (ii) any application to be made under paragraph 9(5);
 - (iii) any information to be filed and served by the Treasury pursuant to an order under paragraph 9(7);
 - (iv) any evidence to be filed and served by the claimant under paragraph 10(1);
 - (v) any evidence to be filed and served by the Treasury under paragraph 10(2);
 - (vi) any application by the Treasury under paragraph 9(3) or (8) or 10(3); and
 - (vii) any further evidence, including witness statements, written submissions or skeleton arguments, to be filed and served by the parties and any special advocate.

9. *Response by the Treasury (79.11)*

- (1) Where the Treasury intends to oppose the application to set aside the financial restrictions decision, it must file –
 - (a) the grounds for contesting the application; and
 - (b) any relevant evidence of which they are aware at that stage.
- (2) Unless the Treasury objects to the grounds and evidence in sub-paragraph (1) being disclosed to the claimant and the claimant's legal representative, the Treasury must serve a copy of the grounds and evidence on the claimant at the same time as filing the grounds.
- (3) Where the Treasury objects to the grounds and evidence in sub-paragraph (1) being disclosed to the claimant and the claimant's legal representative, the Treasury must make an application in accordance with paragraph 20.
- (4) Where a special advocate has been appointed, the Treasury must serve on that special advocate a copy of the grounds and evidence filed under sub-paragraph (1).
- (5) The claimant and any special advocate may apply to the court for an order directing the Treasury to file and serve further information about the Treasury's grounds filed under sub-paragraph (1)(a).

- (6) The application under sub-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.
- (7) The court may make an order on an application under sub-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; and
 - (b) may be provided without disproportionate cost, time or effort.
- (8) Where the Treasury objects to serving on the claimant and the claimant's legal representative the information sought under sub-paragraph (5), the Treasury must make an application in accordance with paragraph 20.

10. Filing and service of evidence (79.12)

- (1) Where the claimant wishes to rely on evidence in support of the application to set aside the financial restrictions decision and –
 - (a) such evidence was not filed with the claim form; or
 - (b) such evidence was filed with the claim form but the claimant wishes to rely on further evidence,
 the claimant must file and serve that evidence, including any witness statement, on the Treasury and any special advocate.
- (2) Where the claimant serves evidence in support of the application, the Treasury must file and serve, subject to sub-paragraph (3), any further evidence, including any witness statement, on the claimant and any special advocate.
- (3) Where the Treasury seeks to withhold disclosure of any closed material from the claimant and the claimant's legal representative, the Treasury must make an application in accordance with paragraph 20.
- (4) The Treasury must serve any closed material upon the special advocate.
- (5) The parties and, where relevant, any special advocate must file and serve any further evidence, including witness statements, written submissions or skeleton arguments as directed by the court.

11. Notification of hearing (79.16)

Unless the court orders otherwise, the court will serve any notice of the date, time and place fixed for a hearing on –

- (a) every party, whether or not a party is entitled to attend that hearing; and

- (b) if one has been appointed for the purposes of the proceedings, the special advocate or those instructing the special advocate.

12. Hearings (79.17)

- (1) All financial restrictions proceedings must be determined at a hearing except where –
 - (a) the claimant withdraws the claim or application;
 - (b) the Treasury consents to the claim or application being allowed; or
 - (c) the parties agree to a determination without a hearing.
- (2) Where the court considers it necessary for a party other than the Treasury and that party's legal representative to be excluded from a hearing or part of a hearing in order to secure that information is not disclosed contrary to the public interest, the court will –
 - (a) direct accordingly; and
 - (b) conduct the hearing, or that part of it from which the party and that party's legal representative are excluded, in private but attended by a special advocate to represent the interests of the excluded party.

13. Appointment of a special advocate (79.18)

- (1) Subject to sub-paragraph (2), the Treasury must immediately give notice of the proceedings to the Attorney General –
 - (a) upon being served with any claim form, application notice or appeal notice; or
 - (b) where the Treasury intends to file an appeal notice, in financial restrictions proceedings.
- (2) Sub-paragraph (1) applies unless –
 - (a) the Treasury does not intend to –
 - (i) oppose the claim, application or appeal; or
 - (ii) apply for permission to withhold closed material from a party and that party's legal representative; or
 - (b) a special advocate has already been appointed to represent the interests of a party other than the Treasury and that special advocate is not prevented from communicating with that party by virtue of paragraph 15.
- (3) Where any financial restrictions proceedings are pending but no special advocate has been appointed, any party may request the Attorney General to appoint a special advocate.

14. *Function of a special advocate (79.19)*

The function of a special advocate is to represent the interests of a party other than the Treasury by, for example –

- (a) making submissions to the court at any hearing from which the party and that party's legal representative are excluded;
- (b) adducing evidence and cross-examining witnesses at such a hearing;
- (c) making applications to the court or seeking directions from the court where necessary; and
- (d) making written submissions to the court.

15. *Special advocate: communicating about proceedings (79.20)*

- (1) The special advocate may communicate with the specially represented party or that party's legal representative at any time before the Treasury serves closed material on the special advocate.
- (2) After the Treasury serves closed material on the special advocate, the special advocate must not communicate with any person about any matter connected with the proceedings, except in accordance with sub-paragraph (3) or a direction of the court pursuant to a request under sub-paragraph (4).
- (3) The special advocate may, without directions from the court, communicate about the proceedings with –
 - (a) the court;
 - (b) the Treasury and any persons acting for the Treasury;
 - (c) the Attorney General and any persons acting for the Attorney General; and
 - (d) any other person, except for –
 - (i) the specially represented party and that party's legal representative; and
 - (ii) any other party to the proceedings (other than the Treasury) and that party's legal representative,with whom it is necessary for administrative purposes for the special advocate to communicate about matters not connected with the substance of the proceedings.
- (4) The special advocate may request directions from the court authorising the special advocate to communicate with the specially represented party or that party's legal representative or with any other person.
- (5) Where the special advocate makes a request for directions under sub-paragraph (4) –

- (a) the court will notify the Treasury of the request; and
 - (b) the Treasury must, within a period specified by the court, file and serve on the special advocate notice of any objection which it has to the proposed communication, or to the form in which it is proposed to be made.
- (6) Sub-paragraph (2) does not prohibit the specially represented party from communicating with the special advocate after the Treasury has served closed material on the special advocate as mentioned in sub-paragraph (1), but –
- (a) that party may only communicate with the special advocate through a legal representative in writing; and
 - (b) the special advocate must not reply to the communication other than in accordance with directions given by the court, except that the special advocate may without such directions send a written acknowledgment of receipt to the specially represented party's legal representative.

16. Consideration of the Treasury's objection (79.21)

- (1) Where the Treasury objects under paragraph 15(5)(b) to a proposed communication by the special advocate 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 paragraph 15(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 serves on the special advocate a notice under paragraph 15(5)(b); or
 - (b) within such other period as the court may direct.
- (3) Where the court fixes a hearing under sub-paragraph (1) –
 - (a) the special advocate may file and serve on the Treasury a reply to the Treasury's objection;

- (b) the Treasury may file and serve on the special advocate a response to the special advocate's reply; and
- (c) the Treasury and the special advocate must file 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
 - (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.

17. Modification of the general rules of evidence and disclosure (79.22)

- (1) Chapter 5 of Part 7 (disclosure and inspection of documents), Chapter 1 of Part 8 (evidence) and Chapter 3 of Part 8 (Hearsay evidence) do not apply to financial restrictions proceedings.
- (2) Subject to the other provisions of this Schedule, and to any directions of the court, the evidence of a witness may be given either –
 - (a) orally before the court; or
 - (b) in a witness statement.
- (3) The court may also receive evidence in documentary or any other form.
- (4) A party is entitled to adduce evidence and to cross-examine witnesses during any part of a hearing from which a party and that party's legal representative are not excluded.
- (5) A special advocate is entitled to adduce evidence and to cross – examine witnesses.
- (6) The court may require a witness to give evidence on oath or by affirmation.

18. Search for, filing of and service of material (79.23)

- (1) A party (the disclosing party) must –
 - (a) make a reasonable search for material relevant to the matters under consideration in financial restrictions proceedings; and
 - (b) file and serve on the other party and any special advocate material other than closed material –
 - (i) on which the disclosing party relies;
 - (ii) which adversely affects the disclosing party's case;
 - (iii) which adversely affects the other party's case; or
 - (iv) which supports the other party's case.

- (2) The factors relevant in deciding the reasonableness of a search under sub-paragraph (1)(a) include –
 - (a) the amount of material involved;
 - (b) the nature and complexity of the proceedings;
 - (c) whether the material is in the control of the party making the search;
 - (d) the ease and expense of retrieval of any material; and
 - (e) the significance of any material which is likely to be located during the search.
- (3) The duty to search for, file and serve material under sub-paragraph (1) continues until the financial restrictions proceedings have been determined.
- (4) Where material, other than closed material, to which the duty under sub-paragraph (1) extends comes to a party's attention before the financial restrictions proceedings have been determined, that party must immediately file it and serve it on the other party and on any special advocate.

19. Redacted material (79.24)

Where the Treasury serves on another party any evidence (including a witness statement) or material which has been redacted on grounds other than those of legal professional privilege, the Treasury must –

- (a) notify the party that the evidence or material has been redacted and on what grounds it has been redacted;
- (b) file the evidence or material in an unredacted form together with an explanation of the redaction.

20. Application to withhold closed material (79.25)

- (1) The Treasury –
 - (a) must apply to the court for permission to withhold closed material from another party and that party's legal representative in accordance with this rule; and
 - (b) may not rely on closed material at a hearing unless a special advocate has been appointed and attends the hearing to represent the interests of that party.
- (2) The Treasury must file and serve, at such time as the court directs, on the special advocate –
 - (a) the closed material;
 - (b) a statement of the reasons for withholding that material from the specially represented party; and

- (c) if the Treasury considers it possible to summarise that material without disclosing information contrary to the public interest, a summary of that material in a form which can be served on the specially represented party or that party's legal representative.
- (3) Where the Treasury serves on the special advocate any closed material which has been redacted on grounds other than those of legal professional privilege –
 - (a) the Treasury must file the material in an unredacted form together with an explanation of the redactions; and
 - (b) the court will give a direction to the Treasury as to what may be redacted and what, if any, must be served on the special advocate in an unredacted form.
- (4) The Treasury may at any time amend or supplement material filed under this rule, but only with –
 - (a) the agreement of the special advocate; or
 - (b) the permission of the court.

21. Consideration of the Treasury's application (79.26)

- (1) Where the Treasury applies in accordance with paragraph 20 for permission to withhold closed material 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 application;
 - (b) the court –
 - (i) has previously considered an application for permission to withhold the same or substantially the same material; and
 - (ii) is satisfied that it would be just to give permission 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 application, the special advocate must give notice of that fact to the court and to the Treasury –
 - (a) within 14 days after the Treasury serves on the special advocate the material under paragraph 20(2); or
 - (b) within such other period as the court may direct.
- (3) Where the court fixes a hearing under sub-paragraph (1) –

- (a) the special advocate may file and serve on the Treasury a reply to the Treasury's application;
- (b) the Treasury may file and serve on the special advocate a response to the special advocate's reply; and
- (c) the Treasury and the special advocate must file 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
 - (ii) set out any proposals for the court to resolve the issues in dispute.
- (4) A hearing under this paragraph must take place in the absence of the specially represented party and that party's legal representative.
- (5) The court will give permission to the Treasury to withhold closed material where it considers that disclosure of that material would be contrary to the public interest.
- (6) Where the court gives permission to the Treasury to withhold closed material, the court will –
 - (a) consider whether to direct the Treasury to serve a summary of that material on the specially represented party or that party's legal representative; but
 - (b) ensure that such a summary does not contain material, the disclosure of which would be contrary to the public interest.
- (7) Where the court does not give permission to the Treasury to withhold closed material from, or directs the Treasury to serve a summary of that material on, the specially represented party or that party's legal representative –
 - (a) the Treasury is not required to serve that material or summary; but
 - (b) if it does not do so, at a hearing on notice, the court may –
 - (i) where it considers that the material or anything that is required to be summarised might adversely affect the Treasury's case or supports the case of the specially represented party, direct that the Treasury must not rely on such material in its case, or must make such concessions or take such other steps, as the court may specify; or
 - (ii) in any other case, direct that the Treasury do not rely on the material or (as the case may be) on that which is required to be summarised.

22. Failure to comply with directions (79.27)

- (1) Where a party or special advocate fails to comply with a direction of the court, the court may serve on that party or the special advocate a notice which states –

- (a) the respect in which that party or special advocate has failed to comply with the direction;
 - (b) a time limit for complying with the direction; and
 - (c) that the court may proceed to determine the proceedings before it, on the material available to it, if the party or special advocate fails to comply with the relevant direction within the time specified.
- (2) Where a party or special advocate fails to comply with such a notice, the court may proceed in accordance with sub-paragraph (1)(c).

23. Judgments (79.28)

- (1) When the court gives judgment in any financial restrictions proceedings, it may withhold all or some of its reasons if and to the extent that it is not possible to give reasons without disclosing information contrary to the public interest.
- (2) Where the judgment of the court does not include the full reasons for its decision, the court will serve on the Treasury and the special advocate a separate written judgment including those reasons.
- (3) Where the court serves a separate written judgment under sub-paragraph (2), the special advocate may apply to the court to amend that judgment and the judgment under sub-paragraph (1) on the grounds that the separate written judgment under sub-paragraph (2) contains material not in the judgment under sub-paragraph (1) the disclosure of which would not be contrary to the public interest.
- (4) The special advocate must serve a copy of the application under sub-paragraph (3) on the Treasury.
- (5) The court will give the special advocate and the Treasury an opportunity to file written submissions and may determine the application with or without a hearing.

24. Application by Treasury for reconsideration of order, direction or judgment (79.29)

- (1) This rule applies where the court proposes, in any financial restrictions proceedings, to serve on a party other than the Treasury —
 - (a) notice of any order or direction made or given in the absence of the Treasury; or
 - (b) any written judgment.
- (2) Before the court serves any such notice or judgment on a party other than the Treasury, it will first serve notice on the Treasury of its intention to do so.
- (3) The Treasury may, within 5 days of being served with notice under sub-paragraph (2), apply to the court to reconsider the terms of the order or

direction or to review the terms of the proposed judgment if the Treasury considers –

- (a) its compliance with the order or direction; or
- (b) the notification to another party of any matter contained in the judgment, order or direction,

would cause information to be disclosed contrary to the public interest.

- (4) Where the Treasury makes an application under sub-paragraph (3), it must at the same time serve on a special advocate, if one has been appointed –

- (a) a copy of the application;
- (b) a copy of the relevant document referred to in sub-paragraph (1)(a) or (b); and
- (c) a copy of the notice served on the Treasury pursuant to sub-paragraph (2).

- (5) If a special advocate has been appointed, paragraph 21 (except sub-paragraphs (6) and (7)) applies with any necessary modifications to the consideration of an application under sub-paragraph (3).

- (6) The court will not serve notice on a party other than the Treasury as mentioned in sub-paragraph (1) before the time for the Treasury to make an application under sub-paragraph (3) has expired.

25. Supply of court documents (79.30)

Unless the court directs otherwise, rule 2.20 (register of claims) and rule 2.21 (supply of documents from court records) do not apply to any financial restrictions proceedings or to any document relating to such proceedings.

26. Audio recordings

Unless the court directs otherwise, nothing in rule 9.8 entitles any person, whether or not a party, to obtain a recording of any part of financial restrictions proceedings which is held in private.

27. Appeals (79.13-14)

- (1) Chapter 1 of Part 14 applies to an appeal to the Appeal Division against an order under the preceding provisions of this Schedule subject to –

- (a) paragraph 2, and
- (b) sub-paragraphs (2) and (3).

- (2) The following provisions apply to such an appeal –

- (a) paragraph 1;
- (b) paragraph 11;

(c) paragraph 12, with the substitution for sub-paragraph (1)(a) and (b) of the following –

"(a) the appellant withdraws the appeal against a decision of the Civil Division;

(b) the respondent to the appeal consents to the appeal being allowed;"

and

(d) paragraphs 13 to 26.

and all references in those provisions to this Schedule and to financial restrictions proceedings shall be construed as references to Chapter 1 of Part 14 as modified by this paragraph and to the appeal proceedings.

(3) The appellant must serve a copy of the appellant's appeal notice on any special advocate.

MADE 31st day of March 2010

J.M. Kerruish

Her Majesty's First Deemster and Clerk of the Rolls

D.C. Doyle

Second Deemster

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Rules of the High Court of Justice 2009. Provision is made for financial restrictions proceedings under Part 3 of the Terrorism (Finance) Act 2009 (rule 4 and Schedule). The table of fixed costs which may be included in a claim form is replaced and the court is given power to award a specific expert's fee in a small claim (rule 5). Two drafting errors are corrected (rule 6).