



HIGH COURT ACT 1991

RULES OF THE HIGH COURT OF JUSTICE (AMENDMENT)(NO.2) 2011

Laid before Tynwald:

Coming into operation: 1st July 2011

The Deemsters make these rules under section 25 of the High Court Act 1991¹.

1 Title

These Rules are the Rules of the High Court of Justice (Amendment) (No.2)2011.

2 Commencement

These Rules come into operation on 1st July 2011.

3 Interpretation

In these Rules “the principal Rules” means the Rules of the High Court of Justice 2009².

4 Amendment of the principal Rules

(1) For rule 13.85³ of the principal Rules, substitute—

“13.85 Financial restrictions proceedings and terrorist asset freezing proceedings

Schedule 13.2 makes provision for financial restrictions proceedings within the meaning of the Terrorism (Finance) Act 2009 and terrorist asset freezing proceedings under Part 1 of the Terrorist Asset-Freezing etc. Act 2010 (an Act of Parliament (c.38))⁴.”.

¹ 1991 c.13

² SD 352/09

³ Rule 13.85 was inserted into the principal Rules by SD 222/10

⁴ As applied to the Isle of Man by The Terrorist Asset-Freezing etc. Act 2010 (Isle of Man) Order 2011 (SI 2011/749)
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- (2) In Schedule 13.2 to the principal Rules⁵—
- (a) in the heading, for “UNDER TERRORISM (FINANCE) ACT 2009” substitute “AND TERRORIST ASSET FREEZING PROCEEDINGS”,
 - (b) in paragraph 1—
 - (i) after subparagraph (a) insert—

“(aa) ‘the 2010 Act’ means the Terrorist Asset-Freezing etc. Act 2010 (an Act of Parliament (c.38)) as it applies to the Island;”;
 - (ii) in subparagraph (b) after “2009 Act” insert “or section 27 of the 2010 Act”;
 - (iii) in subparagraph (c) after “2009 Act” insert “or section 27 of the 2010 Act”;
 - (iv) after subparagraph (c) insert—
 - “(ca) “designation” means a designation in accordance with Chapter 1 of Part 1 of the 2010 Act;
 - (cb) “designation proceedings” means proceedings in the court on an application under section 26 of the 2010 Act in relation to designations and variations, revocation and renewal, of those designations or on a claim arising from any matter to which such an application relates;”
 - (v) in subparagraph (h) after “2009 Act” insert “(including that section as applied by section 28(4) of the 2010 Act)”;
 - (c) in paragraph 4(3)(a)(ii) for “the Act” substitute “the 2009 Act”;
 - (d) in paragraph 18, after subparagraph (1) insert—

“(1A) Sub-paragraph (1)(b)(iii) does not apply to designation proceedings.”;
 - (e) in the heading of paragraph 27, after “Appeals” insert “in relation to financial restrictions proceedings”;
 - (f) after paragraph 27 insert—

“28. Appeals in relation to designations under the 2010 Act (79.14A-D)

⁵ Schedule 13.2 was inserted into the principal Rules by SD 222/10

- (1) Chapter 1 of Part 14 applies to an appeal under section 26 of the 2010 Act subject to—
 - (a) paragraph 2, and;
 - (b) sub-paragraphs (2) to (5).
- (2) The following provisions apply to such an appeal —
 - (a) paragraph 1;
 - (b) paragraph 11;
 - (c) paragraph 12, with the substitution of “designation” for “financial restrictions” in sub-paragraph (1),and all references in those provisions to this Schedule and to designation 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.
- (4) The appellant’s appeal notice must set out the details of—
 - (a) the interim or final designation;
 - (b) how the appellant is affected by the interim or final designation; and
 - (c) the grounds of the appeal.
- (5) The appellant must file and serve the following documents with the appellant’s appeal notice—
 - (a) a copy of the written notice of the interim or final designation; and
 - (b) any evidence, including witness statements in support of the application.
- (6) Chapter 1 of Part 14 applies to an appeal to the Appeal Division against an order made under the preceding sub-paragraphs subject to—
 - (a) paragraph 2, and;
 - (b) sub-paragraphs (7) and (8).
- (7) The following provisions apply to such an appeal—
 - (a) paragraph 1;
 - (b) paragraph 11;

(c) paragraph 12, with the substitution of “designation” for “financial restrictions” in sub-paragraph (1),

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

(8) The appellant must serve a copy of the appellant’s appeal notice on any special advocate.”.

(3) In rule 14.1(5)⁶ of the principal Rules—

(a) after “2009” insert “and proceedings under Part 1 of the Terrorist Asset Freezing etc. Act 2010 (an Act of Parliament (c.38)) as it applies to the Island”;

(b) for “paragraph 27” substitute “paragraphs 27 and 28”.

Made the 23rd day of June 2011

D.C.Doyle

Her Majesty’s First Deemster and Clerk of the Rolls

Andrew Corlett

Second Deemster

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Rules of the High Court of Justice 2009, as amended by the Rules of the High Court of Justice (Amendment) 2010 (SD 222/10)⁷, to make provision for terrorist asset freezing proceedings and appeals under sections 26 and 27 of the Terrorist Asset-Freezing, etc. Act 2010 (an Act of Parliament) as it has effect in the Isle of Man by virtue of the Terrorist Asset-Freezing etc. Act 2010 (Isle of Man) Order 2011 (SI 2011/749).

⁶ Sub-paragraph (5) of rule 14.1 of the principal Rules was inserted by SD 222/10

⁷ There have been other amendments to the principal Rules that are not relevant to the present amendment Rules