Status: *Point in time view as at 01/10/2017.*
Changes to legislation: *The Civil Procedure Rules 1998, Cross Heading: SECTION I is up to date with all changes*
known to be in force on or before 15 September 2024. There are changes that may be brought into force at a future date.
Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[F1PART 82 E+W

CLOSED MATERIAL PROCEDURE

[F1SECTION I

Application of this Part

Textual Amendments

F1   Pt. 82 inserted (27.6.2013) by The Civil Procedure (Amendment No. 5) Rules 2013 (S.I. 2013/1571), rule 1, **Sch.**

Scope and interpretation E+W

82.1.—(1) This Part contains rules—

(a) about—

(i) applications under sections 6(2), 7(4) and 18(1) of the Justice and Security Act 2013;

(ii) closed material applications in section 6 proceedings;

(iii) section 6 proceedings; and

(b) about appeals to the Court of Appeal where there have been proceedings on or in relation to any matter within sub-paragraph (a) in the High Court.

(2) Subject to paragraph (3), in this Part—

(a) "the Act" means the Justice and Security Act 2013;

(b) "closed material application" means an application of the kind mentioned in section 8(1)(a) of the Act;

(c) "legal representative" is to be construed in accordance with section 14(1) of the Act;

(d) "relevant person" is to be construed in accordance with section 14(1) of the Act;

(e) "section 6 proceedings" is to be construed in accordance with section 14(1) of the Act;

(f) "sensitive material" has the meaning given by section 6(11) of the Act;

(g) "special advocate" means a person appointed under section 9(1) of the Act;

(h) "specially represented party" means a party whose interests a special advocate represents;

(3) In relation to proceedings arising by virtue of section 18 of the Act (review of certification)—

(a) a reference to the relevant person is to be read as a reference to the Secretary of State; and

(b) a reference to the interests of national security includes a reference to the interests of the international relations of the United Kingdom.

Modification to the overriding objective **E+W**

82.2.—(1) Where any of the rules in this Part applies, the overriding objective in Part 1, and so far as possible any other rule, must be read and given effect in a way which is compatible with the duty set out in paragraph (2).

(2) The court must ensure that information is not disclosed in a way which would be damaging to the interests of national security.

(3) Subject to paragraph (2), the court must satisfy itself that the material available to it enables it properly to determine proceedings.

Rules to apply subject to this Part **E+W**

82.3.—(1) Subject to paragraph (2), in relation to proceedings to which this Part applies, these Rules apply subject to the rules in this Part.

(2) Part 31 (disclosure and inspection of documents) applies to proceedings to which this Part applies, subject only to rule 82.2 and the court's permission for material not to be disclosed otherwise than to—

    (a) the court;

    (b) any person appointed as a special advocate; and

    (c) where the Secretary of State is not the relevant person but is a party to the proceedings, the Secretary of State.**]**