
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 82

CLOSED MATERIAL PROCEDURE

[^{F1}SECTION IV

Review and revocation of declarations made under section 6 of the Act

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 of this Section

82.27. This Section contains rules about—

- (a) revocation—
 - (i) of the court’s own motion; or
 - (ii) on application,of a declaration made under section 6 of the Act; and
- (b) the court’s formal review of such a declaration.

Possible revocation of declaration: court’s own motion

82.28.—(1) This rule applies if the court at any time considers that a declaration made under section 6 of the Act may no longer be in the interests of the fair and effective administration of justice in the proceedings.

- (2) The court must in writing—
 - (a) notify the parties (and the Secretary of State if not a party) and the special advocate that it is considering whether to revoke the declaration; and
 - (b) invite them to make submissions.
- (3) Each party (and the Secretary of State if not a party) and the special advocate must within 28 days of the date of notification under paragraph (2) file a response either—
 - (a) containing written submissions supporting or opposing revocation of the declaration and giving reasons; or
 - (b) confirming that the party (or the Secretary of State, or the special advocate, as appropriate) does not wish to make any submissions.
- (4) The court may, on receipt of the responses under paragraph (3), either—

- (a) give directions—
 - (i) for a hearing to determine whether the declaration should be revoked; and
 - (ii) specifying a date and time by which the parties (and Secretary of State if not a party) and special advocate must file and serve any written evidence or written submissions; or
- (b) determine the issue without a hearing.

(5) A hearing under this rule shall take place in the absence of the specially represented party and the specially represented party's legal representative.

Application for revocation of declaration

82.29.—(1) An application under section 7(4)(a) of the Act for revocation of a declaration made under section 6 of the Act must be made by the applicant filing with the court—

- (a) a statement of reasons to support the application; and
- (b) any written submissions.

(2) When such an application has been made, the court must serve notice of the application on—

- (a) all other parties and (if the Secretary of State is neither a party nor the applicant) the Secretary of State;
- (b) the legal representatives of those parties and (where relevant) the Secretary of State; and
- (c) the special advocate,

and must give directions for a hearing unless it considers that the application can be determined on the papers, in which case it may give directions as it considers appropriate.

(3) Each party (and the Secretary of State if neither a party nor the applicant) and the special advocate must within 28 days of the date of notification under paragraph (2) file a response either—

- (a) containing written submissions supporting or opposing revocation of the declaration and giving reasons; or
- (b) confirming that the party (or the Secretary of State, or the special advocate, as appropriate) does not wish to make any submissions.

(4) The court must, after receipt of the responses under paragraph (3), either—

- (a) give directions—
 - (i) for a hearing to determine whether the declaration should be revoked; and
 - (ii) specifying a date and time by which the parties (and Secretary of State if not a party) and special advocate must file and serve any written evidence or written submissions; or
- (b) determine the issue without a hearing.

(5) A hearing under this rule shall take place in the absence of the specially represented party and the specially represented party's legal representative.

Review of declaration: formal review

82.30.—(1) Once the pre-trial disclosure exercise in proceedings where there has been a declaration under section 6 of the Act has been completed, the court must review whether the declaration continues to be in the interests of the fair and effective administration of justice in the proceedings.

(2) If the court considers that the declaration may no longer be in the interests of the fair and effective administration of justice in the proceedings, it must proceed in accordance with paragraphs (2) to (5) of rule 82.28.

(3) If the court considers that the declaration continues to be in the interests of the fair and effective administration of justice in the proceedings, it may so declare without a hearing.

(4) For the purposes of section 7(3) of the Act and this rule, the pre-trial disclosure exercise in the proceedings is to be considered to have been completed—

- (a) where the claim is one to which rule 31.5(2) does not apply, when disclosure equivalent to standard disclosure has been completed in accordance with this Part;
- (b) where the claim is one to which rule 31.5(2) applies, when disclosure equivalent to that directed under rule 31.5(7) and (8) has been completed in accordance with this Part.]

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross
Heading: SECTION IV.