
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 82

CLOSED MATERIAL PROCEDURE

SECTION V

Review, under section 18 of the Act, of a certificate under section 17(3)(e) of the Act

[^{F1}Review of certification

82.31.—(1) An application under section 18(1) of the Act to have a certificate issued under section 17(3)(e) of the Act set aside 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) The court with which the documents in paragraph (1)(a) and (b) must be filed is—

- (a) the High Court, if the court seised of the proceedings in relation to which the certificate was issued is the High Court or county court; or
- (b) the Court of Appeal, if the court seised of the proceedings in relation to which the certificate was issued is the Court of Appeal.

(3) When such an application has been made, the court must serve notice of the application on the Secretary of State and the Secretary of State's legal representative, and on the special advocate when a special advocate has been appointed pursuant to rule 82.9.

(4) The Secretary of State must, within 28 days of the date of notification under paragraph (3), file, and serve upon the special advocate, a response either—

- (a) containing written submissions opposing the setting aside of the certificate and giving reasons; or
- (b) confirming that the Secretary of State does not oppose the setting aside of the certificate.

(5) The special advocate must within 28 days of being served under paragraph (4) file, and serve on the Secretary of State, a response either—

- (a) containing written submissions supporting the setting aside of the certificate and giving reasons; or
- (b) confirming that the special advocate does not wish to make any submissions.

(6) The court must, after receipt of the responses under paragraphs (4) and (5), either—

- (a) give directions—
 - (i) for a hearing to determine whether the certificate should be revoked; and

Status: Point in time view as at 27/06/2013. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 82.31. (See end of Document for details)

(ii) specifying a date and time by which the parties (and the 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.

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

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.](#)

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