
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 25th June 2013 those provisions of the Justice and Security Act 2013 which are not already in force. The provisions in question are: sections 1 to 5 and Schedule 1 (oversight of intelligence and security activities); sections 6 to 16 (disclosure of sensitive material); sections 17 and 18 (“Norwich Pharmacal” and similar jurisdictions); section 19(1) (except so far as relating to paragraph 4 of Schedule 3); and Schedules 2 and 3 (consequential and transitional provisions), except paragraph 4 of Schedule 3. These are all of the substantive provisions of the Act.

The provisions of the Act not brought into force by this Order came into force on the day on which the Act was passed. They contain the order-making powers (see section 20(2) of the Act).

Articles 3 and 4 of this Order make transitional and saving provisions in relation to, respectively: the Intelligence and Security Committee of Parliament; and those provisions of the Act which extend the existing closed material procedure under the Special Immigration Appeals Commission Act 1997 (the “SIAC Act”).

Paragraph 1 of Schedule 2 to the Act abolishes the Intelligence and Security Committee created by the Intelligence Services Act 1994 (c.13) (“the previous Intelligence and Security Committee”). Article 3 of this Order allows for the continuation of the work of the previous Intelligence and Security Committee by the new Intelligence and Security Committee of Parliament, created by section 1 of, and Schedule 1 to, the Act.

Article 4 makes transitional provisions under paragraph 4 of Schedule 3 to the Act. Section 15 of the Act inserts new sections 2C and 2D into the SIAC Act. These provisions extend the existing closed material procedure under the SIAC Act to certain cases where the Secretary of State has decided to exclude a non-EEA national from the UK, or to refuse a certificate of naturalisation or an application for British citizenship, in reliance on information which the Secretary of State considers too sensitive to make public.

Article 4 provides that the Secretary of State may issue a certificate under section 2C or section 2D of the SIAC Act in relation to a decision of a kind falling within section 2C(1)(a) and (b) or 2D(1)(a), notwithstanding that the relevant decision was made prior to the commencement of those sections. Such a certificate will have the effect of terminating any ongoing judicial review proceedings (including appeals from judicial review proceedings) in relation to such a decision.