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STATUTORY INSTRUMENTS

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**2019 No. 342**

**The Civil Procedure (Amendment) Rules 2019**

**Amendment of Part 39**

**8.** In rule 39.2—

(a) for paragraphs (1) and (2) substitute—

“(1) The general rule is that a hearing is to be in public. A hearing may not be held in private, irrespective of the parties’ consent, unless and to the extent that the court decides that it must be held in private, applying the provisions of paragraph (3).

(2) In deciding whether to hold a hearing in private, the court must consider any duty to protect or have regard to a right to freedom of expression which may be affected.

(2A) The court shall take reasonable steps to ensure that all hearings are of an open and public character, save when a hearing is held in private.”;

(b) in paragraph (3)—

(i) for “may be in private if” substitute “must be held in private if, and only to the extent that, the court is satisfied of one or more of the matters set out in sub-paragraphs (a) to (g) and that it is necessary to sit in private to secure the proper administration of justice”; and

(ii) for sub-paragraph (g) substitute—

“(g) the court for any other reason considers this to be necessary to secure the proper administration of justice.”; and

(c) for paragraph (4) substitute—

“(4) The court must order that the identity of any party or witness shall not be disclosed if, and only if, it considers non-disclosure necessary to secure the proper administration of justice and in order to protect the interests of that party or witness.

(5) Unless and to the extent that the court otherwise directs, where the court acts under paragraph (3) or (4), a copy of the court’s order shall be published on the website of the Judiciary of England and Wales (which may be found at [www.judiciary.uk](http://www.judiciary.uk)). Any person who is not a party to the proceedings may apply to attend the hearing and make submissions, or apply to set aside or vary the order.”.