

# JUSTICE AND SECURITY ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 2: Consequential Provision:*

#### **Part 2: Closed material procedure**

142. This Part of Schedule 2 contains consequential provision concerning closed material procedures. The key provisions are as follows.
143. *Paragraph 8* amends the Senior Courts Act 1981 to increase judicial discretion by allowing the court to refuse an application for a jury where the case would involve section 6 proceedings, or to dismiss a jury in cases where one is being used but where section 6 proceedings are required. *Paragraph 7* makes corresponding provision for Northern Ireland.
144. *Paragraph 9* inserts a new section 6A into the Special Immigration Appeals Commission Act 1997 in order to apply sections 5 and 6 of that Act to the new sections 2C and 2D inserted by section 15. The purpose of this provision is to apply the statutory closed material procedure in that Act concerning the proceedings mentioned in new sections 2C and 2D.
145. *Paragraph 11* provides for an amendment to section 18 of RIPA to permit intercepted material etc to be adduced or disclosed within any section 6 proceedings. This mirrors the position for the proceedings already listed in section 18(1) of RIPA (such as SIAC proceedings or proceedings about terrorism prevention and investigation measures) for which there remain specific statutory closed material procedures. This paragraph also makes amendments to section 18 consequential upon the amendments to the Special Immigration Appeals Commission Act 1997 made by section 15.