



Justice and Security Act 2013

2013 CHAPTER 18

PART 2

DISCLOSURE OF SENSITIVE MATERIAL

Closed material procedure: general

7 Review and revocation of declaration under section 6

- (1) This section applies where a court seised of relevant civil proceedings has made a declaration under section 6.
- (2) The court must keep the declaration under review, and may at any time revoke it if it considers that the declaration is no longer in the interests of the fair and effective administration of justice in the proceedings.
- (3) The court must undertake a formal review of the declaration once the pre-trial disclosure exercise in the proceedings has been completed, and must revoke it if it considers that the declaration is no longer in the interests of the fair and effective administration of justice in the proceedings.
- (4) The court may revoke a declaration under subsection (2) or (3)—
 - (a) on the application of—
 - (i) the Secretary of State (whether or not the Secretary of State is a party to the proceedings), or
 - (ii) any party to the proceedings, or
 - (b) of its own motion.
- (5) In deciding for the purposes of subsection (2) or (3) whether a declaration continues to be in the interests of the fair and effective administration of justice in the proceedings, the court must consider all of the material that has been put before it in the course of the proceedings (and not just the material on which the decision to make the declaration was based).
- (6) Rules of court must make provision—

Changes to legislation: There are currently no known outstanding effects for the Justice and Security Act 2013, Section 7. (See end of Document for details)

- (a) as to how a formal review is to be conducted under subsection (3),
 - (b) as to when the pre-trial disclosure exercise is to be considered to have been completed for the purposes of subsection (3).
- (7) In relation to proceedings before the Court of Session—
- (a) the reference in subsection (3) to the completion of the pre-trial disclosure exercise is a reference to the fixing of a hearing to determine the merits of the proceedings, and
 - (b) the reference in subsection (6)(b) to when the pre-trial disclosure exercise is to be considered to have been completed is a reference to what constitutes a hearing to determine the merits of the proceedings.

Commencement Information

II S. 7 in force at 25.6.2013 by S.I. 2013/1482, art. 2 (with arts. 3, 4)

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