

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL PROVISION

PART 2

CLOSED MATERIAL PROCEDURE

Judicature (Northern Ireland) Act 1978 (c. 23)

- 7 (1) Section 62 of the Judicature (Northern Ireland) Act 1978 (trial with and without jury) is amended as follows.
- (2) In subsection (2)—
- (a) at the end of paragraph (c), the word “or” is repealed, and
 - (b) after paragraph (c) insert—
“*(ca)* will involve section 6 proceedings; or”.
- (3) After subsection (4) insert—
- “(4A) An action in the High Court which by virtue of subsection (1) or (4) is being, or is to be, tried with a jury may, at any stage in the proceedings, be tried without a jury if the court concerned—
- (a) is of opinion that the action involves, or will involve, section 6 proceedings; and
 - (b) in its discretion orders the action to be tried without a jury.
- (4B) Where the court makes an order under subsection (4A)(b), it may make such other orders as it considers appropriate (including an order dismissing the jury).”
- (4) After subsection (7) insert—
- “(8) In this section “section 6 proceedings” has the meaning given by section 14(1) of the Justice and Security Act 2013 (certain civil proceedings in which closed material applications may be made).”

Senior Courts Act 1981 (c. 54)

- 8 (1) Section 69 of the Senior Courts Act 1981 (trial by jury) is amended as follows.
- (2) In subsection (1), at the end, insert “or unless the court is of opinion that the trial will involve section 6 proceedings”.
- (3) After subsection (3) insert—

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“(3A) An action in the Queen’s Bench Division which by virtue of subsection (1) or (3) is being, or is to be, tried with a jury may, at any stage in the proceedings, be tried without a jury if the court concerned—

- (a) is of opinion that the action involves, or will involve, section 6 proceedings, and
- (b) in its discretion orders the action to be tried without a jury.

(3B) Where the court makes an order under subsection (3A)(b), it may make such other orders as it considers appropriate (including an order dismissing the jury).”

(4) In subsection (4) for “(3)” substitute “(3B)”.

(5) After subsection (5) insert—

“(6) In this section “section 6 proceedings” has the meaning given by section 14(1) of the Justice and Security Act 2013 (certain civil proceedings in which closed material applications may be made).”

Special Immigration Appeals Commission Act 1997 (c. 68)

9 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.

(2) After section 6 (appointment of person to represent appellant’s interests) insert—

“6A Procedure in relation to jurisdiction under sections 2C and 2D

(1) Sections 5 and 6 apply in relation to reviews under section 2C or 2D as they apply in relation to appeals under section 2 or 2B.

(2) Accordingly—

- (a) references to appeals are to be read as references to reviews (and references to appeals under section 2 or 2B are to be read as references to reviews under section 2C or 2D), and
- (b) references to an appellant are to be read as references to an applicant under section 2C(2) or (as the case may be) 2D(2).”

(3) After section 7(1) (appeals from the Commission) insert—

“(1A) Where the Commission has made a final determination of a review under section 2C or 2D, any party to the review may bring an appeal against that determination to the appropriate appeal court.”

Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))

10 In Article 54A of the Race Relations (Northern Ireland) Order 1997 (claims under Article 20A in immigration cases), at the end, insert—

“(6) This Article applies in relation to reviews under section 2D of the 1997 Act as it applies in relation to appeals under that Act.”

Regulation of Investigatory Powers Act 2000 (c. 23)

11 (1) Section 18 of the Regulation of Investigatory Powers Act 2000 (exclusion of intercepted communications etc. from legal proceedings: exceptions) is amended as follows.

(2) In subsection (1)—

- (a) at the end of paragraph (e), the word “or” is repealed, and
- (b) after paragraph (f) insert “, or
- (g) any section 6 proceedings within the meaning given by section 14(1) of the Justice and Security Act 2013 (certain civil proceedings in which closed material applications may be made).”

(3) In subsection (2)—

- (a) in the opening words, for “(f)” substitute “(g)”,
- (b) in paragraph (a)—
 - (i) in sub-paragraph (i), after “appellant” insert “or (as the case may be) applicant”,
 - (ii) in sub-paragraph (ii), after “appellant” insert “or applicant”, and
 - (iii) at the end, the word “or” is repealed, and
- (c) after paragraph (b) insert—
 - “(c) in the case of proceedings falling within paragraph (g) where the only relevant person is the Secretary of State, to—
 - (i) a person, other than the Secretary of State, who is or was a party to the proceedings; or
 - (ii) any person who for the purposes of the proceedings (but otherwise than by virtue of appointment as a special advocate) represents a person falling within sub-paragraph (i); or
 - (d) in the case of proceedings falling within paragraph (g) where the Secretary of State is not the only relevant person or is not a relevant person but is a party to the proceedings, to—
 - (i) a person, other than the relevant person concerned or the Secretary of State, who is or was a party to the proceedings; or
 - (ii) any person who for the purposes of the proceedings (but otherwise than by virtue of appointment as a special advocate) represents a person falling within sub-paragraph (i).”

(4) After subsection (2) insert—

“(2A) In subsection (2)(c) and (d) “relevant person”, in relation to proceedings falling within subsection (1)(g), has the meaning given by section 14(1) of the Justice and Security Act 2013.”

Equality Act 2010 (c. 15)

12 In section 115 of the Equality Act 2010 (immigration cases), at the end, insert—

Status: This is the original version (as it was originally enacted).

“(8) This section applies in relation to reviews under section 2D of the Special Immigration Appeals Commission Act 1997 as it applies in relation to appeals under the immigration provisions.”