



Justice and Security Act 2013

2013 CHAPTER 18

PART 2

DISCLOSURE OF SENSITIVE MATERIAL

Closed material procedure: general

11 General provision about section 6 proceedings

- (1) A person making rules of court relating to section 6 proceedings must have regard to the need to secure that disclosures of information are not made where they would be damaging to the interests of national security.
- (2) Rules of court relating to section 6 proceedings may make provision—
 - (a) about the mode of proof and about evidence in the proceedings,
 - (b) enabling or requiring the proceedings to be determined without a hearing,
 - (c) about legal representation in the proceedings,
 - (d) enabling the proceedings to take place without full particulars of the reasons for decisions in the proceedings being given to a party to the proceedings (or to any legal representative of that party),
 - (e) enabling the court concerned to conduct proceedings in the absence of any person, including a party to the proceedings (or any legal representative of that party),
 - (f) about the functions of a person appointed as a special advocate,
 - (g) enabling the court to give a party to the proceedings a summary of evidence taken in the party's absence.
- (3) In subsection (2) references to a party to the proceedings do not include the relevant person concerned and (if the Secretary of State is not the relevant person but is a party to the proceedings) the Secretary of State.
- (4) The following proceedings are to be treated as section 6 proceedings for the purposes of sections 8 to 10, this section and sections 12 to 14—

Status: This is the original version (as it was originally enacted).

- (a) proceedings on, or in relation to, an application for a declaration under section 6,
 - (b) proceedings on, or in relation to, a decision of the court to make a declaration under that section of its own motion,
 - (c) proceedings on, or in relation to, an application for a revocation under section 7, and
 - (d) proceedings on, or in relation to, a decision of the court to make a revocation under that section of its own motion.
- (5) In proceedings treated as section 6 proceedings by virtue of subsection (4), a relevant person, for the purposes of sections 8 to 10, this section and sections 12 to 14, is a person who would be required to disclose sensitive material in the course of the proceedings.