



# Justice and Security Act 2013

## 2013 CHAPTER 18

### PART 2

#### DISCLOSURE OF SENSITIVE MATERIAL

##### *Closed material procedure: general*

### **8 Determination by court of applications in section 6 proceedings**

- (1) Rules of court relating to any relevant civil proceedings in relation to which there is a declaration under section 6 (“section 6 proceedings”) must secure—
  - (a) that a relevant person has the opportunity to make an application to the court for permission not to disclose material otherwise than to—
    - (i) the court,
    - (ii) any person appointed as a special advocate, and
    - (iii) where the Secretary of State is not the relevant person but is a party to the proceedings, the Secretary of State,
  - (b) that such an application is always considered in the absence of every other party to the proceedings (and every other party’s legal representative),
  - (c) that the court is required to give permission for material not to be disclosed if it considers that the disclosure of the material would be damaging to the interests of national security,
  - (d) that, if permission is given by the court not to disclose material, it must consider requiring the relevant person to provide a summary of the material to every other party to the proceedings (and every other party’s legal representative),
  - (e) that the court is required to ensure that such a summary does not contain material the disclosure of which would be damaging to the interests of national security.
- (2) Rules of court relating to section 6 proceedings must secure that provision to the effect mentioned in subsection (3) applies in cases where a relevant person—

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*Status: This is the original version (as it was originally enacted).*

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- (a) does not receive the permission of the court to withhold material, but elects not to disclose it, or
  - (b) is required to provide another party to the proceedings with a summary of material that is withheld, but elects not to provide the summary.
- (3) The court must be authorised—
- (a) if it considers that the material or anything that is required to be summarised might adversely affect the relevant person’s case or support the case of another party to the proceedings, to direct that the relevant person—
    - (i) is not to rely on such points in that person’s case, or
    - (ii) is to make such concessions or take such other steps as the court may specify, or
  - (b) in any other case, to ensure that the relevant person does not rely on the material or (as the case may be) on that which is required to be summarised.