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**Changes to legislation:** Investigatory Powers Act 2016, Cross Heading: Closed material proceedings is up to date with all changes known to be in force on or before 10 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 3

#### EXCEPTIONS TO SECTION 56

##### *Closed material proceedings*

- 7 (1) Section 56(1) does not apply in relation to 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).
- (2) But sub-paragraph (1) does not permit a prohibited section 6 disclosure.
- (3) In the case of section 6 proceedings where the only relevant person is the Secretary of State, a “prohibited section 6 disclosure” means a disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.
- (4) In the case of section 6 proceedings where the Secretary of State is not the only relevant person, or is not a relevant person but is a party to the proceedings, a “prohibited section 6 disclosure” means a disclosure of anything to—
- (a) any person, other than the relevant person concerned or the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents a person within paragraph (a) for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.
- (5) In this paragraph “relevant person”, in relation to section 6 proceedings, has the meaning given by section 14(1) of the Justice and Security Act 2013.

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#### Commencement Information

**II** Sch. 3 para. 7 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)