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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 39**

**MISCELLANEOUS PROVISIONS RELATING TO HEARINGS**

**General rule—hearing to be in public**

**39.2.**—<sup>[F1]</sup>(1) The general rule is that a hearing is to be in public. A hearing may not be held in private, irrespective of the parties' consent, unless and to the extent that the court decides that it must be held in private, applying the provisions of paragraph (3).

(2) In deciding whether to hold a hearing in private, the court must consider any duty to protect or have regard to a right to freedom of expression which may be affected.

(2A) The court shall take reasonable steps to ensure that all hearings are of an open and public character, save when a hearing is held in private.]

(3) A hearing, or any part of it, <sup>[F2]</sup>must be held in private if, and only to the extent that, the court is satisfied of one or more of the matters set out in sub-paragraphs (a) to (g) and that it is necessary to sit in private to secure the proper administration of justice]—

- (a) publicity would defeat the object of the hearing;
- (b) it involves matters relating to national security;
- (c) it involves confidential information (including information relating to personal financial matters) and publicity would damage that confidentiality;
- (d) a private hearing is necessary to protect the interests of any child or <sup>[F3]</sup>protected party];
- (e) it is a hearing of an application made without notice and it would be unjust to any respondent for there to be a public hearing;
- (f) it involves uncontentious matters arising in the administration of trusts or in the administration of a deceased person's estate; or

<sup>[F4]</sup>(g) the court for any other reason considers this to be necessary to secure the proper administration of justice.]

<sup>[F5]</sup>(4) The court must order that the identity of any <sup>[F6]</sup>person] shall not be disclosed if, and only if, it considers non-disclosure necessary to secure the proper administration of justice and in order to protect the interests of <sup>[F7]</sup>any person].

(5) Unless and to the extent that the court otherwise directs, where the court acts under paragraph (3) or (4), a copy of the court's order shall be published on the website of the Judiciary of England and Wales (which may be found at [www.judiciary.uk](http://www.judiciary.uk)). Any person who is not a party to the proceedings may apply to attend the hearing and make submissions, or apply to set aside or vary the order.]

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### Textual Amendments

- F1** Rule 39.2(1)-(2A) substituted for rule 39.2(1)(2) (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **8(a)**
- F2** Words in rule 39.2(3) substituted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **8(b)(i)**
- F3** Words in rule 39.2(3)(d) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **12**
- F4** Rule 39.2(3)(g) substituted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **8(b)(ii)**
- F5** Rule 39.2(4)(5) substituted for rule 39.2(4) (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **8(c)**
- F6** Word in rule 39.2(4) substituted (6.4.2022) by [The Civil Procedure \(Amendment\) Rules 2022 \(S.I. 2022/101\)](#), rules 1(1), **11**
- F7** Words in rule 39.2(4) substituted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), **21(2)**

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### Commencement Information

- I1** Rule 39.2 in force at 26.4.1999, see [Signature](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 39.2.