

2015 No. 877 (L. 11)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 3) Rules 2015

<i>Made</i> - - - -	<i>25th March 2015</i>
<i>Laid before Parliament</i>	<i>26th March 2015</i>
<i>Coming into force</i> - -	<i>17th April 2015</i>

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act and under paragraphs 2 to 4 and 6 of Schedule 3 to the Counter-Terrorism and Security Act 2015(b), makes the following Rules:

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No. 3) Rules 2015.
2. These Rules come into force on 17th April 2015.
3. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(c).

Amendments to the Civil Procedure Rules 1998

4. The Civil Procedure Rules 1998 are amended in accordance with rules 5 to 9.
5. In rule 76.29(1)(a), after “special advocate” insert “or to the form in which it is proposed to be made”.
6. In rule 79.21(1), after “proposed communication by the special advocate” insert “or to the form in which it is proposed to be made”.
7. In rule 80.25(1)(a), after “special advocate” insert “or to the form in which it is proposed to be made”.
8. In rule 82.14(1)(b), after “the special advocate” insert “or to the form in which it is proposed to be made”.

(a) 1997 c.12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c.4), section 15 and Schedule 4, Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c.39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18. Section 1(1) was amended by the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a).

(b) 2015 c. 6.

(c) S.I. 1998/3132, to which there are relevant amendments in S.I. 2005/656, S.I. 2008/3085, S.I. 2011/2970, S.I. 2011/1571 and S.I. 2015/406.

9. In Part 88—

- (a) in rule 88.2(2), for “in a way which would be damaging to the interests of national security” substitute “contrary to the public interest”;
- (b) in rule 88.9(1), for “will” substitute “must”;
- (c) in rule 88.24(2), for “relevant person” substitute “Secretary of State”; and
- (d) in rule 88.28—
 - (i) in paragraph (1)(a), after “special advocate” insert “or to the form in which it is proposed to be made”;
 - (ii) in paragraph (3)(a), omit “the relevant person or”; and
 - (iii) in paragraph (6)(a), for “relevant person” substitute “Secretary of State”.

*The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Mr Justice Birss
Mr Justice Coulson
Master Roberts
His Honour Judge Martin McKenna
District Judge Michael Hovington
Edward Pepperall QC
Richard Viney
Andrew Underwood
Kate Wellington*

I allow these Rules
Signed by authority of the Lord Chancellor

Edward Faulks
Minister of State
Ministry of Justice

25th March 2015

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by

- amending rules 76.29, 79.21, 80.25(1), 82.14 and 88.28 to make it clear in each case that the rule applies not only where there has been an objection to a proposed communication by the special advocate, but also where there has been an objection to the form it is proposed such a communication should take;
- amending rule 88.2(2) to correct an error, so that the provision is consistent with rule 88.1(3) and makes it clear that the court is required to ensure that information is not disclosed contrary to the public interest, rather than to ensure that it is not disclosed in a way which would be damaging to the interests of national security;
- amending rule 88.9(1) to make it clear that the rule imposes an obligation on the court;
- amending rules 88.24 and 88.28 to correct references to the “relevant person” to make it clear that the person referred to is the Secretary of State.

A full impact assessment has not been prepared for these Rules, as no impact on the private or voluntary sector is foreseen.

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