STATUTORY INSTRUMENTS

2015 No. 406 (L. 3)

SENIOR COURTS OF ENGLAND AND WALES COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment) Rules 2015

Approved by both Houses of Parliament

Made - - - -	*26th February 2015*
Laid before Parliament	*27th February 2015*
Coming into force in accordance with rule 1	

The Lord Chancellor makes the following Rules in exercise of the power conferred by paragraph 7 of Schedule 3 to the Counter-Terrorism and Security Act 2015(**1**) ("the 2015 Act") to make rules under section 1 of the Civil Procedure Act 1997(**2**) and paragraphs 2 to 4 and 6 of Schedule 3 to the 2015 Act.

Before making these Rules, the Lord Chancellor has consulted the Lord Chief Justice of England and Wales in accordance with paragraph 7(2)(a) of Schedule 3 to the 2015 Act.

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2015 and come into force on the day after the day on which they are made.

2. 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(**3**).

Amendments to the Civil Procedure Rules 1998

3. In rule 1.2(**4**) (application by the court of the overriding objective), for "and 82.2" substitute ", 82.2 and 88.2".

4. After Part 87, insert Part 88 (proceedings under the Counter-Terrorism and Security Act 2015) as set out in the Schedule to these Rules.

(**1**) 2015 c. 6.
(**2**) 1997 c.12. Section 1 was substituted by section 82(1) of the Courts Act 2003 (c.39) and further amended by the Constitutional Reform Act 2005 (c.4), sections 15 and 146 and Schedule 4, paragraphs 261 and 262 and Schedule 18.
(**3**) S.I. 1998/3132.
(**4**) Rule 1.2 was amended in particular by S.I. 2013/1571, rule 3.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

26th February 2015

SCHEDULE Rule 4

"PART 88

PROCEEDINGS UNDER THE COUNTER-TERRORISM AND SECURITY ACT 2015

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SECTION I

Application of this Part

Scope and interpretation

88.1.—(1) This Part contains rules about—

(a) TEO proceedings in the High Court; and

(b) appeals to the Court of Appeal against an order of the High Court in such proceedings.

(2) In this Part—

(a) "the Act" means the Counter-Terrorism and Security Act 2015;

(b) "closed material" means any relevant material that the Secretary of State objects to disclosing to a relevant party on the grounds that disclosure is contrary to the public interest;

(c) "legal representative" is to be construed in accordance with paragraph 4(4)(b) of Schedule 3 to the Act;

(d) "TEO" means a temporary exclusion order (which has the same meaning as in section 2 of the Act);

(e) "open material" means any relevant material that the Secretary of State does not object to disclosing to a relevant party on the grounds that disclosure is contrary to the public interest;

(f) "relevant material" means the material described in paragraph 3(1)(a) to (c) of Schedule 3 to the Act;

(g) "relevant party" means any party to the proceedings other than the Secretary of State;

(h) "special advocate" means a person appointed under paragraph 10(1) of Schedule 3 to the Act;

(i) "TEO proceedings" has the same meaning as in paragraph 1 of Schedule 3 to the Act;

(j) "TEO subject" means an individual on whom the Secretary of State has imposed, or is proposing to impose, a TEO.

(3) For the purposes of this Part, disclosure is contrary to the public interest if it is made contrary to the interests of national security, the international relations of the United Kingdom or the detection and prevention of crime, or in any other circumstances where disclosure is likely to harm the public interest.

Modification to the overriding objective

88.2.—(1) Where any of the rules in this Part applies, the overriding objective in Part 1, and so far as possible any other rule, must be read and given effect in a way which is compatible with the duty set out in paragraph (2).

(2) The court must ensure that information is not disclosed in a way which would be damaging to the interests of national security.

(3) Subject to paragraph (2), the court must satisfy itself that the material available to it enables it properly to determine proceedings.

SECTION II

Permission applications, reviews and references to the High Court relating to temporary exclusion orders

Scope of this Section

88.3. This Section contains rules about—

(a) applications under section 3(1)(b) of the Act (application for permission to impose a TEO);

(b) references under paragraph 3(1) of Schedule 2 to the Act (reference of the imposition of measures imposed without permission); and

(c) applications to the High Court under section 11 of the Act (applications to the court to review decisions of the Secretary of State relating to a TEO).

Application for permission to impose a TEO

88.4. An application under section 3(1)(b) of the Act for permission to impose a TEO must be made by the Secretary of State filing with the court—

(a) a statement of reasons to support the application;

(b) any relevant material of which the Secretary of State is aware at that stage; and

(c) any written submissions.