
CIVIL PROCEDURE (AMENDMENT) RULES 2022

In exercise of powers in section 96C of the Civil Procedure Ordinance(a) the Administrator, with the advice and assistance of the Presiding Judge, makes the following rules—

Citation and commencement

- 1.—(1) These Rules may be cited as the Civil Procedure (Amendment) Rules 2022.
- (2) These Rules comes into force on 16 May 2022.

Insertion of Order 66

- 2.—(1) The Civil Procedure Rules(b) are amended as follows.
- (2) After Order 65 (special rules on actions relating to claims not exceeding £5000) insert—

“ORDER 66

CLOSED MATERIAL PROCEDURE

Scope and interpretation

- 1.—(1) This Order contains rules—
 - (a) about applications under 9ZF(2)(a), 9ZG(4)(a) and 9ZN(1) of the Civil Procedure Ordinance;
 - (b) about closed material applications in section 9ZF proceedings;
 - (c) about 9ZF proceedings;
 - (d) about appeals to the Senior Judges’ Court where there have been proceedings on or in relation to any matter within sub-paragraphs (a) to (c).
- (2) Subject to paragraph (3), in this Order—
 - (a) “closed material application” means an application of the kind mentioned in section 9ZH(1)(a) of the Ordinance;
 - (b) “legal representative” is to be construed in accordance with section 9ZL(1) of the Ordinance;

(a) Cap 6, Statute Laws of Cyprus revised edition 1959 as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Interpretation Ordinance 8/2012, amended by Ordinances 26/2013 and 22/2014.

(b) Subsidiary Legislation of Cyprus revised edition volume 1, 1954, page 120, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Interpretation Ordinance 8/2012, amended by Ordinances 26/2013 and 22/2014

- (c) “the Ordinance” means the Civil Procedure Ordinance;
 - (d) “relevant person” is to be construed in accordance with section 9ZL(1) of the Ordinance;
 - (e) “section 9ZF proceedings” is to be construed in accordance with section 9ZL(1) of the Ordinance;
 - (f) “sensitive material” has the meaning given by section 9ZF(11) of the Ordinance;
 - (g) “special advocate” means a person appointed under section 9ZI(1) of the Ordinance;
 - (h) “specially represented party” means a party whose interests a special advocate represents.
- (3) In relation to proceedings arising by virtue of section 9ZN of the Ordinance (review of certification)—
- (a) a reference to the relevant person is to be read as a reference to the Administrator, and
 - (b) a reference to the interests of national security includes a reference to the interests of the international relations of the United Kingdom.

Hearings in private

2.—(1) If the court considers it necessary for any party and that party’s legal representative to be excluded from any hearing or part of a hearing in order to secure that information is not disclosed where disclosure would be damaging to the interests of national security, it must—

- (a) direct accordingly, and
- (b) conduct the hearing, or that part of it from which that party and that party’s legal representative are excluded, in private but attended by a special advocate to represent the interests of the excluded party.

(2) The court may conduct a hearing or part of a hearing in private for any other good reason.

Notifications of hearings

3. Unless the court directs otherwise, it must serve notice of the date, time and place fixed for any hearing on—

- (a) every party, whether or not entitled to attend that hearing, and
- (b) the special advocate or those instructing the special advocate.

Proceedings which must be determined at a hearing

4. The following proceedings must, unless the court directs otherwise, be determined at a hearing—

- (a) an application by the Administrator under section 9ZF(2)(a) of the Ordinance for a declaration;
- (b) a closed material application;
- (c) a review of the court’s own motion under section 9ZG of a declaration made under 9ZF of the Ordinance;
- (d) a formal review under section 9ZG(3) of the Ordinance of a declaration made under section 9ZF of the Ordinance;
- (e) an application under section 9ZG of the Ordinance for revocation of a declaration made under section 9ZF of the Ordinance;

- (f) an application under section 9ZN(1) of the Ordinance to have a certificate issued under section 9ZM(3)(e) of the Ordinance set aside;
- (g) an appeal to the Senior Judges' Court from a decision or order of any court in the Areas made in any of the proceedings mentioned in paragraphs (a) to (f) above.

Appointment of a special advocate

5.—(1) Subject to paragraphs (2) and (3), where—

- (a) the Administrator decides to make an application under section 9ZF(2) of the Ordinance for a declaration, or
- (b) the Administrator receives written notice under rule 15 of this Order (notification of intention to make application for a declaration) that a party other than the Administrator intends to make such an application, or
- (c) the Administrator receives written notice under rule 24 of this Order (review of certification) of an application under section 9ZN(1) of the Ordinance to have a certificate issued under section 9ZM(3)(e) of the Ordinance set aside,

the Administrator must immediately give notice of the proceedings to the Attorney-General and Legal Adviser (who, under section 9ZI(1) of the Ordinance, has the power to appoint a special advocate).

(2) Paragraph (1) applies unless a special advocate has already been appointed to represent the interests of the specially represented party in the proceedings and that special advocate is not prevented from communicating with that party by virtue of rule 7 (special advocate: communicating about proceedings).

(3) Where any proceedings to which this Rule applies are pending but no special advocate has been appointed, any party or the Administrator may request that the Attorney-General and Legal Adviser appoint a special advocate.

Functions of a special advocate

6. The functions of a special advocate are to represent the interests of a specially represented party by—

- (a) making submissions to the court at any hearing or part of a hearing from which the specially represented party and the specially represented party's legal representatives are excluded,
- (b) adducing evidence and cross-examining witnesses at any such hearing or part of a hearing,
- (c) making applications to the court or seeking directions from the court where necessary, and
- (d) making written submissions to the court.

Special advocate: communicating about proceedings

7.—(1) The special advocate may communicate with the specially represented party or the specially represented party's legal representative at any time before a relevant person serves sensitive material on the special advocate.

(2) After the relevant person serves sensitive material on the special advocate, the special advocate must not communicate with any person about any matter connected with the proceedings, except in accordance with paragraph (3) or (6)(b) or with a direction of the court pursuant to a request under paragraph (4).

(3) The special advocate may, without directions from the court, communicate about the proceedings with—

- (a) the court,

- (b) the relevant person (where this is not the Administrator),
- (c) the Administrator or any person acting for the Administrator,
- (d) the Attorney-General and Legal Adviser or any person acting for the Attorney-General and Legal Adviser, or
- (e) any other person, except the specially represented party or the specially represented party's legal representative, with whom it is necessary for administrative purposes for the special advocate to communicate about matters not connected with the substance of the proceedings.

(4) The special advocate may request directions from the court authorising the special advocate to communicate with the specially represented party or the specially represented party's legal representative or with any other person.

(5) Where the special advocate makes a request for directions under paragraph (4)—

- (a) the court must notify the relevant person, and (where the relevant person is not the Administrator) the Administrator, of the request and of the content of the proposed communication and the form in which it is proposed to be made, and
- (b) the relevant person or the Administrator or each of them (where each wishes to object) must, within a period specified by the court, file with the court and serve on the special advocate notice of any objection which the relevant person or the Administrator has to the proposed communication or to the form in which it is proposed to be made.

(6) Paragraph (2) does not prohibit the specially represented party from communicating with the special advocate after the relevant person has served material on the special advocate, but—

- (a) the specially represented party may only communicate with the special advocate in writing through the specially represented party's legal representative, and
- (b) the special advocate must not reply to the communication other than in accordance with directions of the court, except that the special advocate may without such directions send a written acknowledgment of receipt to the specially represented party's legal representative.

Evidence in proceedings to which this Order applies

8.—(1) Subject to the other rules in this Part, the evidence of a witness may be given either—

- (a) orally before the court, or
- (b) in writing, in which case it must be given in such manner and at such time as the court directs.

(2) The court may also receive evidence in documentary or any other form.

(3) The court may receive evidence that would not, but for this rule, be admissible in a court of law.

(4) Every party is entitled to adduce evidence and to cross-examine witnesses during any hearing or part of a hearing from which that party and that party's legal representatives are not excluded.

(5) A special advocate is entitled to adduce evidence and to cross-examine a witness only during a hearing or part of a hearing from which the specially represented party and the specially represented party's legal representatives are excluded.

(6) The court may require a witness to give evidence on oath.

Sensitive material

9.—(1) The relevant person—

- (a) must apply to the court for permission to withhold sensitive material from a specially represented party or the specially represented party's legal representative in accordance with this rule, and
 - (b) may not rely on sensitive material at a hearing on notice unless a special advocate has been appointed to represent the interests of the specially represented party.
- (2) The relevant person must file with the court and, at such time as the court directs, serve on the special advocate—
- (a) the sensitive material, and
 - (b) a statement of the relevant person's reasons for withholding that material from the specially represented party and the specially represented party's legal representatives.
- (3) The relevant person may at any time amend or supplement material filed under this rule, but only with—
- (a) the agreement of the special advocate, or
 - (b) the permission of the court.

Consideration of closed material application or of objection to special advocate's communication

10.—(1) This rule applies where the relevant person or, as the case may be, the Administrator has—

- (a) applied under rule 9 (sensitive material) for permission to withhold sensitive material, or
 - (b) objected under rule 7(5)(b) (special advocate: communicating about proceedings) to a proposed communication by the special advocate or to the form in which it is proposed to be made.
- (2) The court must fix a hearing for the relevant party, the Administrator and the special advocate to make oral representations, unless—
- (a) the special advocate gives notice that he or she does not challenge the application or objection,
 - (b) the court has previously, in determining the application under section 9ZF(2) of the Ordinance for a declaration, found that the first condition in 9ZF of the Ordinance is met in relation to the same or substantially the same material and is satisfied that it would be just to give permission without a hearing,
 - (c) the court has previously considered—
 - (i) an application under rule 9(1) for permission to withhold the same or substantially the same material, or
 - (ii) an objection under rule 7(5)(b) to the same or substantially the same proposed communication; and is satisfied that it would be just to give permission or uphold the objection without a hearing, or
 - (d) the relevant person, the Administrator and the special advocate consent to the court deciding the application or objection without a hearing.
- (3) If the special advocate does not challenge the application or the objection, he or she must give notice of that fact to the court, the relevant person and the Administrator no later than the end of—
- (a) 14 days after the date on which the relevant person or the Administrator serves on the special advocate the notice under rule 7(5)(b) or the material under rule 9(2), or
 - (b) such other period as the court may direct.
- (4) Where the court fixes a hearing under this rule, the relevant person, the Administrator and the special advocate must before the hearing file with the court a schedule identifying the issues which cannot be agreed between them, which must also—

- (a) give brief reasons for their contentions in relation to each issue, and
- (b) set out any proposals for the court to resolve those issues.

(5) A hearing under this rule shall take place in the absence of the specially represented party and the specially represented party's legal representative.

(6) Where the court has, in determining an application under section 9ZF(2) of the Ordinance for a declaration, found that the first condition in section 9ZF of the Ordinance is met in relation to any material, it may give permission to withhold that material without a hearing in relation to that material, whether or not a hearing is required in relation to any other material.

(7) Where the court gives permission to the relevant person to withhold sensitive material, the court—

- (a) must consider whether to direct the relevant person to serve a summary of that material on the specially represented party and the specially represented party's legal representative, and
- (b) must ensure that any such summary does not contain material the disclosure of which would be damaging to the interests of national security.

(8) If the court is satisfied that—

- (a) the relevant person does not intend to rely on sensitive material, and
- (b) that material does not adversely affect the relevant person's case or support the case of another party to the proceedings, the court may direct that the relevant person must not rely in the proceedings on that material, without the court first requiring the relevant person to serve a summary of that material on the specially represented party and the specially represented party's legal representative.

(9) Where the court has not given permission to the relevant person to withhold sensitive material from, or has directed the relevant person to serve a summary of that material on, the specially represented party and the specially represented party's legal representative—

- (a) the relevant person shall not be required to serve that material or summary, but
- (b) if the relevant person does not do so, at a hearing on notice the court may—
 - (i) 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, direct that the relevant person is not to rely on such points in the relevant person's case, or that the relevant person makes such concessions or takes such other steps as the court may direct, and
 - (ii) in any other case, direct that the relevant person must not rely in the proceedings on that material or (as the case may be) on what is required to be summarised.

(10) The court must give permission to the relevant person to withhold sensitive material where it considers that disclosure of that material would be damaging to the interests of national security.

Failure to comply with directions

11.—(1) Where a party or the special advocate fails to comply with a direction of the court, the court may serve on that person a notice which states—

- (a) the respect in which that person has failed to comply with the direction,
- (b) a time limit for complying with the direction, and
- (c) that the court may proceed to determine the proceedings before it on the material before it if that person fails to comply with the direction within that time limit.

(2) Where a party or the special advocate fails to comply with the direction after such a notice, the court may proceed in accordance with paragraph (1)(c).

Judgements

12.—(1) Where the court gives judgment in any proceedings to which this Order applies, it may withhold any, or any part, of its reasons if and to the extent that it is not possible to give those reasons without disclosing information the disclosure of which would be damaging to the interests of national security.

(2) Where the judgment of the court does not include the full reasons for its decision, the court must serve on the relevant person, the Administrator (where not the relevant person) and the special advocate a separate written judgment giving those reasons.

Application by the Administrator or relevant person for reconsideration of decision

13.—(1) If the court proposes, in any proceedings to which this Order applies, to serve on a specially represented party—

- (a) notice of any order or direction made or given in the absence of the Administrator or, if the relevant person is not the Administrator, the absence of the relevant person, or
- (b) any written judgment,

then before the court serves any such notice or judgment on the specially represented party, it must first serve notice on the Administrator and, if the relevant person is not the Administrator, on the relevant person, of its intention to do so.

(2) The Administrator or relevant person may, within 5 days of being served with notice under paragraph (1), apply to the court to reconsider the terms of the order or direction or to review the terms of the proposed judgment if the Administrator or relevant person considers that—

- (a) the Administrator or relevant person's compliance with the order or direction, or
- (b) the notification to the specially represented party of any matter contained in the judgment, order or direction, would cause information to be disclosed where such disclosure would be damaging to the interests of national security.

(3) Where the Administrator or relevant person makes an application under paragraph (2), the Administrator or relevant person must at the same time serve on the special advocate—

- (a) a copy of the application, and
- (b) a copy of the notice served on the Administrator or relevant person pursuant to paragraph (1).

(4) Rule 10 of this Order (consideration of closed material application or of objection to special advocate's communication), except for paragraphs (6) to (8) of that rule, applies with any necessary modifications to the consideration of an application under paragraph (2) of this rule.

(5) The court must not serve notice or a written judgment on the specially represented party as mentioned in paragraph (1) before the time for the Administrator or relevant person to make an application under paragraph (2) has expired.

Possible application for declaration under section 9ZF of the Ordinance by Administrator: notification to Administrator if not a party

14.—(1) This rule applies to applications under section 9ZF of the Ordinance (application for a declaration that the proceedings are proceedings in which a closed material application may be made).

(2) This rule applies where the Administrator is not a party to relevant civil proceedings but—

- (a) it appears to—
 - (i) a party to those proceedings, or

- (ii) the court,
that the party may be required to disclose material the disclosure of which would be damaging to the interests of national security, and
- (b) either—
 - (i) the party does not intend to make an application under section 9ZF of the Ordinance for a declaration, or
 - (ii) the court does not consider it appropriate to make such a declaration of its own motion.
- (3) Where this rule applies by virtue of paragraph (2)(a)(i) and (b)(i)—
 - (a) the party must—
 - (i) notify the Administrator and the court in writing, and
 - (ii) not disclose the material in question unless and to the extent that the court directs, and
 - (b) the court must on receiving notification give such directions as appear necessary pending the Administrator’s response.
- (4) Where this rule applies by virtue of paragraph (2)(a)(ii) and (b)(ii), the court must—
 - (a) direct the party in question not to disclose the material in question unless and to the extent the court directs otherwise,
 - (b) notify the Administration in writing, and
 - (c) give such directions as appear necessary pending the Administrator’s response.
- (5) Within 14 days of being notified in accordance with paragraph (3) or (4), the Administrator must respond in writing to the court—
 - (a) confirming that the Administrator intends to apply under section 9ZF(2) of the Ordinance for a declaration,
 - (b) confirming that the Administrator does not intend to apply for such a declaration, or
 - (c) requesting further time to consider whether to apply for such a declaration.
- (6) The court—
 - (a) may stay the proceedings either on application by a party or of its own motion where the Administrator has been notified under paragraph (3) or (4), and
 - (b) must stay the proceedings where the Administrator responds in accordance with paragraph (5)(a) or (c).
- (7) Any stay may be subject to conditions, including a condition that the application must be made, or confirmation given that no application will be made, within a time specified by the court.

Notification of intention to make application for a declaration

- 15.—**(1) Any person who intends to make an application under section 9ZF(2) of the Ordinance for a declaration—
- (a) must, at least 14 days before making the application, serve written notice of that intention on the court and on every other party to the relevant civil proceedings and (if the Administrator is not a party) on the Administrator;
 - (b) may at any time apply to the court for the relevant civil proceedings to which the declaration would relate to be stayed pending—
 - (i) the application, or
 - (ii) the person’s consideration of whether to make an application.
- (2) The court may stay the relevant civil proceedings to which the declaration would relate on an application under paragraph (1)(b) or of its own motion.

(3) Any stay may be subject to conditions, including a condition that the application must be made, or confirmation given that no application will be made, within a time specified by the court.

Application for a declaration

16.—(1) An application under section 9ZF(2) of the Ordinance for a declaration must be made by the applicant filing with the court—

- (a) a statement of reasons to support the application and any additional written submissions;
- (b) material in relation to which the court is asked to find that the first condition in section 9ZF of the Ordinance is met;
- (c) the details of any special advocate already appointed under rule 5 (appointment of a special advocate).

(2) Where the applicant is the Administrator, the statement of reasons required by paragraph (1)(a) must include the Administrator’s reasons for not making, or not advising another person to make, a claim for public interest immunity in relation to the material on which the application would be based.

Directions for hearing of an application

17.—(1) When a party to relevant civil proceedings or (if the Administrator is not a party) the Administrator makes an application under section 9ZF(2) of the Ordinance for a declaration, the court must serve notice of the application on—

- (a) all other parties and (if the Administrator is neither a party nor the applicant) the Administrator,
- (b) the legal representatives of all other parties and (where relevant) the Administrator, and
- (c) the special advocate,

and must give directions for a directions hearing unless it considers that the application can be determined on the papers, in which case it must give directions as it considers appropriate.

(2) Any directions hearing shall take place in the absence of the specially represented party and the specially represented party’s legal representative.

(3) At the directions hearing the court must give directions—

- (a) for the hearing of the application, and
- (b) specifying a date and time by which the parties and the special advocate must file and serve any written evidence or written submissions.

(4) The hearing of the application shall take place in the absence of the specially represented party and the specially represented party’s legal representative.

Notification by applicant following hearing of application

18.—(1) When the court has determined an application made under section 9ZF(2) of the Ordinance, the applicant must within 7 days of that determination serve written notice of the outcome of the application on every other party to the proceedings and (if the Administrator is not a party) on the Administrator.

(2) The notice must be limited to stating whether the application was granted or refused.

Administrator to be joined where declaration made

19. If the court makes a declaration under section 9ZF of the Ordinance and the Administrator is not already a party to the proceedings in relation to which the declaration

is made, the court must order the Administrator to be joined as a party to those proceedings, unless the Administrator does not wish to be joined and notifies the court in writing accordingly.

Directions following declaration

20.—(1) If the court makes a declaration under section 9ZF of the Ordinance, it must give directions for the further management of the case, or for a directions hearing, or for both.

(2) The court must, either when giving directions under paragraph (1) or at the directions hearing (if it directs such a hearing), give directions—

- (a) for a hearing of a closed material application, and
- (b) specifying a date and time by which the parties and special advocate must file and serve any written evidence or written submissions, unless it considers that the application can be determined on the papers, in which case it must give directions as it considers appropriate.

(3) Directions given under this rule may include directions for—

- (a) the filing by any party of—
 - (i) a statement of case, or
 - (ii) an amended statement of case, and
- (b) a hearing of a closed material application in relation to such a statement of case.

Possible revocation of declaration: court's own motion

21.—(1) This rule applies if the court at any time considers that a declaration made under section 9ZF of the Ordinance may no longer be in the interests of the fair and effective administration of justice in the proceedings.

(2) The court must in writing—

- (a) notify the parties (and the Administrator if not a party) and the special advocate that it is considering whether to revoke the declaration, and
- (b) invite them to make submissions.

(3) Each party (and the Administrator if not a party) and the special advocate must within 28 days of the date of notification under paragraph (2) file a response either—

- (a) containing written submissions supporting or opposing revocation of the declaration and giving reasons, or
- (b) confirming that the party (or the Administrator, or the special advocate, as appropriate) does not wish to make any submissions.

(4) The court may, on receipt of the responses under paragraph (3), either—

- (a) give directions—
 - (i) for a hearing to determine whether the declaration should be revoked, and
 - (ii) specifying a date and time by which the parties (and Administrator if not a party) and special advocate must file and serve any written evidence or written submissions, or
- (b) determine the issue without a hearing.

(5) A hearing under this rule shall take place in the absence of the specially represented party and the specially represented party's legal representative.

Application for revocation of declaration

22.—(1) An application under section 9ZG(4)(a) of the Ordinance for revocation of a declaration made under section 9ZF of the Ordinance must be made by the applicant filing with the court—

- (a) a statement of reasons to support the application, and
- (b) any written submissions.

(2) When such an application has been made, the court must serve notice of the application on—

- (a) all other parties and (if the Administrator is neither a party nor the applicant) the Administrator,
- (b) the legal representatives of those parties and (where relevant) the Administrator, and
- (c) the special advocate,

and must give directions for a hearing unless it considers that the application can be determined on the papers, in which case it may give directions as it considers appropriate.

(3) Each party (and the Administrator if neither a party nor the applicant) and the special advocate must within 28 days of the date of notification under paragraph (2) file a response either—

- (a) containing written submissions supporting or opposing revocation of the declaration and giving reasons, or
- (b) confirming that the party (or the Administrator, or the special advocate, as appropriate) does not wish to make any submissions.

(4) The court must, after receipt of the responses under paragraph (3), either—

- (a) give directions—
 - (i) for a hearing to determine whether the declaration should be revoked, and
 - (ii) specifying a date and time by which the parties (and Administrator if not a party) and special advocate must file and serve any written evidence or written submissions, or
- (b) determine the issue without a hearing.

(5) A hearing under this rule shall take place in the absence of the specially represented party and the specially represented party's legal representative.

Review of declaration: formal review

23.—(1) Once the pre-trial disclosure exercise in proceedings where there has been a declaration under section 9ZF of the Ordinance has been completed, the court must review whether the declaration continues to be in the interests of the fair and effective administration of justice in the proceedings.

(2) If the court considers that the declaration may no longer be in the interests of the fair and effective administration of justice in the proceedings, it must proceed in accordance with paragraphs (2) to (5) of rule 21 of this Order.

(3) If the court considers that the declaration continues to be in the interests of the fair and effective administration of justice in the proceedings, it may so declare without a hearing.

(4) For the purposes of section 9ZG(3) of the Ordinance and this rule, the pre-trial disclosure exercise in the proceedings is to be considered to have been completed when disclosure equivalent to standard disclosure has been completed in accordance with this Order.

Review of certification

24.—(1) An application under section 9ZN(1) of the Ordinance to have a certificate issued under section 9ZM(3)(e) of the Ordinance set aside must be made by the applicant filing with the court—

- (a) a statement of reasons to support the application, and
- (b) any written submissions.

(2) The court with which the documents in paragraph (1)(a) and (b) must be filed is the Senior Judges' Court.

(3) When such an application has been made, the court must serve notice of the application on the Administrator and the Administrator's legal representative, and on the special advocate when a special advocate has been appointed pursuant to rule 5.

(4) The Administrator must, within 28 days of the date of notification under paragraph (3), file, and serve upon the special advocate, a response either—

- (a) containing written submissions opposing the setting aside of the certificate and giving reasons, or
- (b) confirming that the Administrator does not oppose the setting aside of the certificate.

(5) The special advocate must within 28 days of being served under paragraph (4) file, and serve on the Administrator, a response either—

- (a) containing written submissions supporting the setting aside of the certificate and giving reasons, or
- (b) confirming that the special advocate does not wish to make any submissions.

(6) The court must, after receipt of the responses under paragraphs (4) and (5), either—

- (a) give directions—
 - (i) for a hearing to determine whether the declaration should be revoked, and
 - (ii) specifying a date and time by which the parties (and Administrator if not a party) and special advocate must file and serve any written evidence or written submissions, or
- (b) determine the issue without a hearing.

(7) A hearing under this rule shall take place in the absence of the specially represented party and the specially represented party's legal representative.

Appeals to the Senior Judges' Court

25.—(1) Section 26 (appellate jurisdiction of Senior Judges' Court) of the Courts (Constitution and Jurisdiction) Ordinance 2007(a) applies to any appeal—

- (a) against an order of the Court on or in relation to an application under section 9ZF(2), 9ZG(4) or 9ZN(1) of the Ordinance, or section 9ZF proceedings;
- (b) where the order under appeal was not made on or in relation to a matter within sub-paragraph (a) but the appeal proceedings involve such a matter or are 9ZF proceedings.

(2) Paragraph (1) is subject to paragraph (3) of this rule.

(3) The appellant must serve a copy of the appellant's notice on any special advocate.

Senior Judge may sit outside the Areas

26. A Senior Judge may sit as member of the Senior Judges' Court from outside the Areas for any application made under this Order."

(a) Ordinance 5/2007, as amended by Ordinances 8/2012, 2/2014, 6/2016, 2/2017, 2/2018, 3/2018, 3/2019 and 07/2020.

Dated this 11th day of May 2022.

R. Thomson,
Administrator,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Rules)

1. This explanatory note relates to the Civil Procedure (Amendment) Rules 2022 (“the principal Rules”). It has been prepared by the office of the Attorney General and Legal Adviser in order to assist the reader of the Rules. It does not form part of the Rules. This note should be read in conjunction with the Rules. It is not, and is not meant to be, a comprehensive description of the Rules.

2. Section 2 amends the Civil Procedure Rules and inserts Order 66 into the principal Rules. The new part is intended to mirror certain provisions in part 82 of the Civil Procedure Rules 1998 of England and Wales with necessary modifications, which provides for the rules relating to closed material proceedings.

SBA/AG/2/CIV PRO/205/1

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