

**13. Protected matter**

- (1) In this rule, “protected matter” has the meaning given to it in the Act section 3(1).
- (2) Where a party considers that any document comprises or contains protected matter and would, in accordance with an order of the Tribunal, be required to be included in that party’s bundle of documents to be filed with the Tribunal and given to another party—
  - (a) The party must file with the Tribunal and give to the other party, within the period specified in the order for the filing of the party’s bundle of documents, a list of documents which—
    - (i) indicates which document or documents contain or comprise protected matter;
    - (ii) sufficiently identifies any document that contains or comprises protected matter without disclosing its substance; and
    - (iii) indicates that any document that contains or comprises protected matter has been included within Part B of the party’s bundle of documents.
  - (b) The party’s bundle of documents must be divided into Part A and Part B as follows—
    - (i) Part A must include all documents in the party’s bundle which do not contain or comprise protected matter. Part A must be filed with the Tribunal and given to the other party within the period specified in the order for the filing of the party’s bundle of documents; and
    - (ii) Part B must include all documents in the party’s bundle which the party considers contain or comprise protected matter. Part B must be clearly marked as containing protected matter and must be placed into a sealed envelope clearly marked as containing protected matter. Part B must be filed with the Tribunal within the period specified in the order for the filing of the party’s bundle of documents but must not be given to any other party.
- (3) Any application under section 159 or section 160 of the Act must be made to the President in writing within 14 days of the receipt of the list of documents which identifies the document the subject of the application.

*[Rule 13 inserted in Gazette 14 Oct 2005 p. 4569-70.]*