



Intelligence Services Act 1994

1994 CHAPTER 13

The Commissioner, the Tribunal and the investigation of complaints

8 The Commissioner

- (1) The Prime Minister shall appoint as a Commissioner for the purposes of this Act a person who holds or has held high judicial office within the meaning of the Appellate Jurisdiction Act 1876.
- (2) The Commissioner shall hold office in accordance with the terms of his appointment and there shall be paid to him by the Secretary of State such allowances as the Treasury may determine.
- (3) In addition to his functions under the subsequent provisions of this Act, the Commissioner shall keep under review the exercise by the Secretary of State of his powers under sections 5 to 7 above, except in so far as the powers under sections 5 and 6 above relate to the Security Service.
- (4) It shall be the duty of—
 - (a) every member of the Intelligence Service,
 - (b) every member of GCHQ, and
 - (c) every official of the department of the Secretary of State,to disclose or give to the Commissioner such documents or information as he may require for the purpose of enabling him to discharge his functions.
- (5) The Commissioner shall make an annual report on the discharge of his functions to the Prime Minister and may at any time report to him on any matter relating to his discharge of those functions.
- (6) The Prime Minister shall lay before each House of Parliament a copy of each annual report made by the Commissioner under subsection (5) above together with a statement as to whether any matter has been excluded from that copy in pursuance of subsection (7) below.
- (7) If it appears to the Prime Minister, after consultation with the Commissioner, that the publication of any matter in a report would be prejudicial to the continued discharge

Status: This is the original version (as it was originally enacted).

of the functions of the Intelligence Service or, as the case may be, GCHQ, the Prime Minister may exclude that matter from the copy of the report as laid before each House of Parliament.

- (8) The Secretary of State may, after consultation with the Commissioner and with the approval of the Treasury as to numbers, provide the Commissioner with such staff as the Secretary of State thinks necessary for the discharge of his functions.

9 Investigation of complaints

- (1) There shall be a Tribunal for the purpose of investigating complaints about the Intelligence Service or GCHQ in the manner specified in Schedule 1 to this Act.
- (2) The Commissioner shall have the functions conferred on him by Schedule 1 to this Act and give the Tribunal all such assistance in discharging their functions under that Schedule as they may require.
- (3) Schedule 2 to this Act shall have effect with respect to the constitution, procedure and other matters relating to the Tribunal.
- (4) The decisions of the Tribunal and the Commissioner under Schedule 1 to this Act (including decisions as to their jurisdictions) shall not be subject to appeal or liable to be questioned in any court.