



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART IV

#### SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

##### *The Tribunal*

#### **67 Exercise of the Tribunal's jurisdiction.**

- (1) Subject to subsections (4) and (5), it shall be the duty of the Tribunal—
  - (a) to hear and determine any proceedings brought before them by virtue of section 65(2)(a) or (d); and
  - (b) to consider and determine any complaint or reference made to them by virtue of section 65(2)(b) or (c).
- (2) Where the Tribunal hear any proceedings by virtue of section 65(2)(a), they shall apply the same principles for making their determination in those proceedings as would be applied by a court on an application for judicial review.
- (3) Where the Tribunal consider a complaint made to them by virtue of section 65(2)(b), it shall be the duty of the Tribunal—
  - (a) to investigate whether the persons against whom any allegations are made in the complaint have engaged in relation to—
    - (i) the complainant,
    - (ii) any of his property,
    - (iii) any communications sent by or to him, or intended for him, or
    - (iv) his use of any postal service, telecommunications service or telecommunication system,in any conduct falling within section 65(5);

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- (b) to investigate the authority (if any) for any conduct falling within section 65(5) which they find has been so engaged in; and
  - (c) in relation to the Tribunal’s findings from their investigations, to determine the complaint by applying the same principles as would be applied by a court on an application for judicial review.
- (4) The Tribunal shall not be under any duty to hear, consider or determine any proceedings, complaint or reference if it appears to them that the bringing of the proceedings or the making of the complaint or reference is frivolous or vexatious.
- (5) Except where the Tribunal, having regard to all the circumstances, are satisfied that it is equitable to do so, they shall not consider or determine any complaint made by virtue of section 65(2)(b) if it is made more than one year after the taking place of the conduct to which it relates.
- (6) Subject to any provision made by rules under section 69, where any proceedings have been brought before the Tribunal or any reference made to the Tribunal, they shall have power to make such interim orders, pending their final determination, as they think fit.
- (7) Subject to any provision made by rules under section 69, the Tribunal on determining any proceedings, complaint or reference shall have power to make any such award of compensation or other order as they think fit; and, without prejudice to the power to make rules under section 69(2)(h), the other orders that may be made by the Tribunal include—
- (a) an order quashing or cancelling any warrant or authorisation;
  - [<sup>F1</sup>(aza) an order quashing or cancelling a notice under Part 3 of the Investigatory Powers Act 2016 or a retention notice under Part 4 of that Act;
  - (azb) an order quashing or revoking a direction under section 225 of that Act;
  - (azc) an order quashing or revoking a notice under section 252 or 253 of that Act;]
  - [<sup>F2</sup>(aa) an order quashing an order under [<sup>F3</sup>section 23A or 32A][<sup>F3</sup>section 75 of the Investigatory Powers Act 2016 or section 32A of this Act] by the relevant judicial authority (within the meaning of that section);] and
  - (b) an order requiring the destruction of any records of information which—
    - (i) has been obtained in exercise of any power conferred by a warrant or authorisation [<sup>F4</sup>or by a notice under Part 3 of the Investigatory Powers Act 2016] ; or
    - (ii) is held by any public authority in relation to any person.
- (8) [<sup>F5</sup>Except as provided by virtue of section 67A,] determinations, awards, orders and other decisions of the Tribunal (including decisions as to whether they have jurisdiction) shall not be subject to appeal or be liable to be questioned in any court.

- <sup>F6</sup>(9) .....
- <sup>F6</sup>(10) .....
- <sup>F6</sup>(11) .....
- <sup>F6</sup>(12) .....

**Textual Amendments**

**F1** S. 67(7)(aza)-(azc) inserted (12.3.2018 for specified purposes, 22.8.2018 for specified purposes, 5.2.2019 in so far as not already in force) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 243(2)**

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(a), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(c)(iv); S.I. 2018/873, reg. 3(h); S.I. 2019/174, reg. 2(j)(i)

- F2** S. 67(7)(aa) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 13** (with s. 97); S.I. 2012/2075, art. 4(d)
- F3** Words in s. 67(7)(aa) substituted (5.2.2019 for specified purposes) by Investigatory Powers Act 2016 (c. 25), **ss. 243(2)(b), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2019/174, reg. 2(j)(ii)
- F4** Words in s. 67(7)(b)(i) inserted (5.2.2019) by Investigatory Powers Act 2016 (c. 25), **ss. 243(2)(c), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2019/174, reg. 2(j)(iii)
- F5** Words in s. 67(8) substituted (31.12.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 242(2)(a), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1379, reg. 2
- F6** S. 67(9)-(12) omitted (31.12.2018) by virtue of Investigatory Powers Act 2016 (c. 25), **ss. 242(2)(b), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1379, reg. 2

#### Modifications etc. (not altering text)

- C1** S. 67(7) applied (with modifications) by 1998 c. 47, s. 69B(2)(c)(i) (as inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 15, 53** (with s. 20); S.I. 2007/2045, **art. 2(2)(3)(j)** (with art. 3))
- C2** S. 67(8) applied (with modifications) by 1998 c. 47, s. 69B(2)(c)(i) (as inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 15, 53** (with s. 20); S.I. 2007/2045, **art. 2(2)(3)(j)** (with art. 3))

#### Commencement Information

- I1** S. 67 partly in force; s. 67 not in force at Royal Assent see s. 83(1); s. 67(2)-(8)(10)-(12) in force at 2.10.2000 and s. 67(1) in force 2.10.2000 for certain purposes by S.I.2543, art. 3

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)