
STATUTORY INSTRUMENTS

2000 No. 2665

The Investigatory Powers Tribunal Rules 2000

PART I

General provisions

Citation and commencement

1. These Rules may be cited as the Investigatory Powers Tribunal Rules 2000, and shall come into force on 2nd October 2000.

Interpretation

2. In these Rules:

“the Act” means the Regulation of Investigatory Powers Act 2000;

“Commissioner” means the Interception of Communications Commissioner, the Intelligence Services Commissioner, the Investigatory Powers Commissioner for Northern Ireland or any Surveillance Commissioner or Assistant Surveillance Commissioner;

“complainant” means a person who brings section 7 proceedings or, as the case may be, makes a complaint;

“complaint” means a complaint for which the Tribunal is the appropriate forum by virtue of section 65(2)(b) and section 65(4) of the Act;

“Convention right” has the same meaning as in the Human Rights Act 1998(1);

“section 7 proceedings” means proceedings under section 7(1)(a) of the Human Rights Act 1998 in relation to which the Tribunal is the only appropriate tribunal by virtue of section 65(2)(a) of the Act;

“the Tribunal” means the tribunal established under section 65(1) of the Act.

Application of Rules

3. These Rules apply to section 7 proceedings, and to complaints.

Exercise of Tribunal’s jurisdiction

4.—(1) The jurisdiction of the Tribunal may be exercised at any place in the United Kingdom, by any two or more members of the Tribunal designated for the purpose by the President; and different members of the Tribunal may carry out functions in relation to different complaints at the same time.

(2) This rule is subject to paragraph 3 of Schedule 3 to the Act (members of the Tribunal with special responsibilities).

Functions exercisable by single member

5.—(1) Subject to paragraph (2), the following powers and duties may be exercised or performed by a single member of the Tribunal:

- (a) the power under rule 7(4) or rule 8(4) to invite the complainant to supply information or make representations;
- (b) the power under section 68(2) of the Act to require a Commissioner to provide assistance;
- (c) the power under section 68(6) of the Act to require the disclosure or provision of documents or information;
- (d) the power under paragraph 5(2) of Schedule 3 to the Act to authorise an officer to obtain documents or information on the Tribunal's behalf;
- (e) the power under section 7(5)(b) of the Human Rights Act 1998 to extend the time limit for section 7 proceedings;
- (f) the power under section 67(5) of the Act to extend the time limit for complaints;
- (g) the duty under rule 13 to notify the complainant of any of the determinations described in that rule;
- (h) the duty, in considering a complaint, to investigate the matters described in paragraphs (a) and (b) of section 67(3) of the Act.

(2) In relation to a case falling within paragraph 3(2) of Schedule 3 to the Act, a single member discharging any of these functions must be a member designated under paragraph 3(1) of that Schedule.

Disclosure of Information

6.—(1) The Tribunal shall carry out their functions in such a way as to secure that information is not disclosed to an extent, or in a manner, that is contrary to the public interest or prejudicial to national security, the prevention or detection of serious crime, the economic well-being of the United Kingdom or the continued discharge of the functions of any of the intelligence services.

(2) Without prejudice to this general duty, but subject to paragraphs (3) and (4), the Tribunal may not disclose to the complainant or to any other person:

- (a) the fact that the Tribunal have held, or propose to hold, an oral hearing under rule 9(4);
- (b) any information or document disclosed or provided to the Tribunal in the course of that hearing, or the identity of any witness at that hearing;
- (c) any information or document otherwise disclosed or provided to the Tribunal by any person pursuant to section 68(6) of the Act (or provided voluntarily by a person specified in section 68(7));
- (d) any information or opinion provided to the Tribunal by a Commissioner pursuant to section 68(2) of the Act;
- (e) the fact that any information, document, identity or opinion has been disclosed or provided in the circumstances mentioned in sub-paragraphs (b) to (d).

(3) The Tribunal may disclose anything described in paragraph (2) with the consent of:

- (a) in the case of sub-paragraph (a), the person required to attend the hearing;
- (b) in the case of sub-paragraphs (b) and (c), the witness in question or the person who disclosed or provided the information or document;
- (c) in the case of sub-paragraph (d), the Commissioner in question and, to the extent that the information or opinion includes information provided to the Commissioner by another person, that other person;

(d) in the case of sub-paragraph (e), the person whose consent is required under this rule for disclosure of the information, document or opinion in question.

(4) The Tribunal may also disclose anything described in paragraph (2) as part of the information provided to the complainant under rule 13(2), subject to the restrictions contained in rule 13(4) and (5).

(5) The Tribunal may not order any person to disclose any information or document which the Tribunal themselves would be prohibited from disclosing by virtue of this rule, had the information or document been disclosed or provided to them by that person.

(6) The Tribunal may not, without the consent of the complainant, disclose to any person holding office under the Crown (except a Commissioner) or to any other person anything to which paragraph (7) applies.

(7) This paragraph applies to any information or document disclosed or provided to the Tribunal by or on behalf of the complainant, except for the statements described in rule 7(2)(a) and (b) or, as the case may be, rule 8(2)(a) and (b).