

## SCHEDULES

### SCHEDULE 1

Section 9.

#### INVESTIGATION OF COMPLAINTS

##### *Preliminary*

- 1 Any person may complain to the Tribunal if he is aggrieved by anything which he believes the Intelligence Service or GCHQ has done in relation to him or to any property of his; and, unless the Tribunal consider that the complaint is frivolous or vexatious, they shall deal with it in accordance with this Schedule.

##### *References and investigations by the Tribunal*

- 2 If and so far as the complaint alleges that anything has been done in relation to any property of the complainant, the Tribunal shall refer the complaint to the Commissioner.
- 3 Subject to paragraph 2 above and paragraph 4 below, the Tribunal shall investigate—
- (a) whether the Intelligence Service or, as the case may be, GCHQ has obtained or provided information or performed any other tasks in relation to the actions or intentions of the complainant; and
  - (b) if so, whether, applying the principles applied by a court on an application for judicial review, the Intelligence Service or GCHQ had reasonable grounds for doing what it did.
- 4 If, in the course of the investigation of a complaint by the Tribunal, the Tribunal consider that it is necessary to establish whether an authorisation was given under section 7 of this Act to the doing of any act, they shall refer so much of the complaint as relates to the doing of that act to the Commissioner.

##### *Functions of the Commissioner in relation to complaints*

- 5 (1) Where a reference is made to the Commissioner under paragraph 2 or paragraph 4 above, the Commissioner shall investigate, as the case may require,—
- (a) whether a warrant was issued under section 5 of this Act in relation to the property concerned; or
  - (b) whether an authorisation was given under section 7 of this Act to the doing of the act in question.
- (2) If the Commissioner finds that a warrant was issued or an authorisation was given, he shall, applying the principles applied by a court on an application for judicial review, determine whether the Secretary of State was acting properly in issuing or renewing the warrant or, as the case may be, in giving or renewing the authorisation.
- (3) The Commissioner shall inform the Tribunal of his conclusion on any reference made to him under paragraph 2 or paragraph 4 above.

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*Report of conclusions*

- 6 (1) Where the Tribunal determine under paragraph 3 above that the Intelligence Service or, as the case may be, GCHQ did not have reasonable grounds for doing what it did, they shall—
- (a) give notice to the complainant that they have made a determination in his favour; and
  - (b) make a report of their findings to the Secretary of State and to the Commissioner.
- (2) The Tribunal shall also give notice to the complainant of any determination in his favour by the Commissioner under paragraph 5 above.
- (3) Where in the case of any complaint no such determination as is mentioned in sub-paragraph (1) or sub-paragraph (2) above is made by the Tribunal or the Commissioner, the Tribunal shall give notice to the complainant that no determination in his favour has been made on his complaint.

*Special references by Tribunal to Commissioner*

- 7 (1) If in any case investigated by the Tribunal—
- (a) the Tribunal's conclusions on the matters which they are required to investigate are such that no determination is made by them in favour of the complainant; but
  - (b) it appears to the Tribunal from the allegations made by the complainant that it is appropriate for there to be an investigation into whether the Intelligence Service or GCHQ has in any other respect acted unreasonably in relation to the complainant or his property,
- they shall refer that matter to the Commissioner.
- (2) The Commissioner may report any matter referred to him under sub-paragraph (1) above to the Secretary of State.

*Remedies*

- 8 (1) Where the Tribunal give a complainant notice of such a determination as is mentioned in paragraph 6(1) above, the Tribunal may do either or both of the following, namely,
- (a) direct that the obtaining and provision of information in relation to the complainant or, as the case may be, the conduct of other activities in relation to him or to any property of his shall cease and that any records relating to such information so obtained or provided or such other activities shall be destroyed;
  - (b) direct the Secretary of State to pay to the complainant such sum by way of compensation as may be specified by the Tribunal.
- (2) Where the Tribunal give a complainant notice of such a determination as is mentioned in paragraph 6(2) above, the Tribunal may do either or both of the following, namely,
- (a) quash any warrant or authorisation which the Commissioner has found to have been improperly issued, renewed or given and which he considers should be quashed;

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- (b) direct the Secretary of State to pay to the complainant such sum by way of compensation as may be specified by the Commissioner.
- (3) Where the Secretary of State receives a report under paragraph 7(2) above, he may take such action in the light of the report as he thinks fit, including any action which the Tribunal have power to take or direct under the preceding provisions of this paragraph.

*Supplementary*

- 9 The persons who may complain to the Tribunal under this Schedule include any organisation and any association or combination of persons.
- 10 (1) No complaint shall be entertained under this Schedule if and so far as it relates to anything done before the date on which this Schedule comes into force.  
(2) Where any activities in relation to any person or his property were instituted before that date and no decision had been taken before that date to discontinue them, paragraphs 2 and 3 above shall have effect as if they had been instituted on that date.
- 11 Any reference in this Schedule to a complainant's property includes—
  - (a) a reference to any wireless telegraphy transmission originated or received or intended to be received by him; and
  - (b) a reference to any place where the complainant resides or works.