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SCHEDULES

SCHEDULE 6

APPEAL PROCEEDINGS

Modifications etc. (not altering text)

- C1** Sch. 6 applied (with modifications) (1.3.2000) by S.I. 1999/2093, **reg. 32(8)(a)**
Sch. 6 applied (30.11.2002) by 2000 c. 36, ss. 61(2), 87(3) (with ss. 7(1)(7), 56, 78); S.I. 2002/2812, **art. 2**
Sch. 6 applied (with modifications) (11.12.2003) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), **reg. 28(8)(b)** (with regs. 4, 15(3), 28, 29)
- C1** Sch. 6 extended (with modifications) (11.12.2003) by the Privacy and Electronic Communications (EC Directive) Regulations (S.I. 2003/2426), {reg. 31}, Sch. 1 (with regs. 4, 15(3), 28, 29) (Sch. 1 amended (26.5.2011) by The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (S.I. 2011/1208), reg. {14})
- C1** Sch. 6 applied (6.4.2010) by The Data Protection (Monetary Penalties) Order 2010 (S.I. 2010/910), **art. 7**
- C1** Sch. 6 applied (with modifications) (26.5.2011) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), **reg. 31B**, **Sch. 1** (reg. 31B being inserted and Sch. 1 amended (26.5.2011) by The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (S.I. 2011/1208), regs. {12}{14})

Constitution of Tribunal in national security cases

- 2 (1) The Lord Chancellor shall from time to time designate, from among the chairman and deputy chairmen appointed by him under section 6(4)(a) and (b), those persons who are to be capable of hearing appeals under section 28(4) or (6) [^{F1}or under section 60(1) or (4) of the Freedom of Information Act 2000].
- (2) A designation under sub-paragraph (1) may at any time be revoked by the Lord Chancellor.
- [^{F2}(3) The Lord Chancellor may make, or revoke, a designation under this paragraph only with the concurrence of all of the following—
- (a) the Lord Chief Justice;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.
- (4) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph.
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that

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Court to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph.

- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (3) so far as they relate to a designation under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

- F1** Words in [Sch. 6 para. 2\(1\)](#) inserted (14.5.2001) by [2000 c. 36, s. 61\(1\)](#), [Sch. 4 para. 1](#) (with [ss. 7\(1\)\(7\)](#), [56, 78](#)); [S.I. 2001/1637, art. 2\(c\)](#)
- F2** [Sch. 6 para. 2\(3\)-\(6\)](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 15, 148](#), [Sch. 4 para. 275\(2\)](#); [S.I. 2006/1014, art. 2](#), [Sch. 1 para. 11](#)

[^{F3} [The Tribunal shall be duly constituted—

- ^{F4}(1)] (a) for an appeal under section 28(4) or (6) in any case where the application of paragraph 6(1) is excluded by rules under paragraph 7, or
- (b) for an appeal under section 60(1) or (4) of the Freedom of Information Act 2000,

if it consists of three of the persons designated under paragraph 2(1), of whom one shall be designated by the Lord Chancellor to preside.

[The Lord Chancellor may designate a person to preside under this paragraph only ^{F5}(2) with the concurrence of all of the following—

- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.
- (3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.
- (4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.
- (5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]]

Textual Amendments

- F3** [Sch. 6 para. 3](#) substituted (1.1.2005) by [2000 c. 36, ss. 61\(1\), 87\(3\)](#), [Sch. 4 para. 2](#) (with [ss. 7\(1\)\(7\)](#), [56, 78](#)); [S.I. 2004/1909, art. 2](#); [S.I. 2004/3122, art. 2](#)

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- F4** Sch. 6 para. 3 renumbered (3.4.2006 with effect as mentioned in Sch. 4 para. 361 of the amending Act) as Sch. 6 para. 3(1) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 paras. 275(3)(a)**, 406(2)(4); S.I. 2006/1014, **art. 2**, Sch. 1 para. 11
- F5** Sch. 6 para. 3(2)-(5) inserted (3.4.2006 with effect as mentioned in Sch. 4 para. 361 of the amending Act) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 paras. 275(3)(b)**, 406(3)(4); S.I. 2006/1014, **art. 2**, Sch. 1 para. 11

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