Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART IV

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

Commissioners

57 Interception of Communications Commissioner.

(1) The Prime Minister shall appoint a Commissioner to be known as the Interception of Communications Commissioner.

(2) Subject to subsection (4), the Interception of Communications Commissioner shall keep under review—

  (a) the exercise and performance by the Secretary of State of the powers and duties conferred or imposed on him by or under sections 1 to 11;

  (b) the exercise and performance, by the persons on whom they are conferred or imposed, of the powers and duties conferred or imposed by or under Chapter II of Part I;

  (c) the exercise and performance by the Secretary of State in relation to information obtained under Part I of the powers and duties conferred or imposed on him by or under Part III; and

  (d) the adequacy of the arrangements by virtue of which—

   (i) the duty which is imposed on the Secretary of State by section 15, and

   (ii) so far as applicable to information obtained under Part I, the duties imposed by section 55,

  are sought to be discharged.

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(3) The Interception of Communications Commissioner shall give the Tribunal all such assistance (including his opinion as to any issue falling to be determined by the Tribunal) as the Tribunal may require—

    (a) in connection with the investigation of any matter by the Tribunal; or

    (b) otherwise for the purposes of the Tribunal's consideration or determination of any matter.

(4) It shall not be the function of the Interception of Communications Commissioner to keep under review the exercise of any power of the Secretary of State to make, amend or revoke any subordinate legislation.

(5) A person shall not be appointed under this section as the Interception of Communications Commissioner unless he holds or has held a high judicial office (within the meaning of the **M1**Appellate Jurisdiction Act 1876).

(6) The Interception of Communications Commissioner shall hold office in accordance with the terms of his appointment; and there shall be paid to him out of money provided by Parliament such allowances as the Treasury may determine.

(7) The Secretary of State, after consultation with the Interception of Communications Commissioner, shall—

    (a) make such technical facilities available to the Commissioner, and

    (b) subject to the approval of the Treasury as to numbers, provide the Commissioner with such staff,

as are sufficient to secure that the Commissioner is able properly to carry out his functions.

(8) On the coming into force of this section the Commissioner holding office as the Commissioner under section 8 of the **M2**Interception of Communications Act 1985 shall take and hold office as the Interception of Communications Commissioner as if appointed under this Act—

    (a) for the unexpired period of his term of office under that Act; and

    (b) otherwise, on the terms of his appointment under that Act.

Commencement Information

I1   S. 57 partly in force; s. 57 not in force at Royal Assent see s. 83(2); s. 57 except s. 57(2)(b)(c)(d)(ii) in force at 2.10.2000 by S.I. 2000/2543, **art. 3**

Marginal Citations

M1   1876 c. 59.

M2   1985 c. 56.

Status:
Point in time view as at 02/10/2000. This version of this provision has been superseded.

Changes to legislation:
Regulation of Investigatory Powers Act 2000, Section 57 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.