

## SCHEDULES

### SCHEDULE 4

Section 61(1).

#### APPEAL PROCEEDINGS: AMENDMENTS OF SCHEDULE 6 TO DATA PROTECTION ACT 1998

##### *Constitution of Tribunal in national security cases*

- 1 In paragraph 2(1) of Schedule 6 to the Data Protection Act 1998 (constitution of Tribunal in national security cases), at the end there is inserted “or under section 60(1) or (4) of the Freedom of Information Act 2000”.
- 2 For paragraph 3 of that Schedule there is substituted—
- “3 The Tribunal shall be duly constituted—
- (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.”

##### *Constitution of Tribunal in other cases*

- 3 (1) Paragraph 4 of that Schedule (constitution of Tribunal in other cases) is amended as follows.
- (2) After sub-paragraph (1) there is inserted—
- “(1A) Subject to any rules made under paragraph 7, the Tribunal shall be duly constituted for an appeal under section 57(1) or (2) of the Freedom of Information Act 2000 if it consists of—
- (a) the chairman or a deputy chairman (who shall preside), and
  - (b) an equal number of the members appointed respectively in accordance with paragraphs (aa) and (bb) of section 6(6).”
- (3) In sub-paragraph (2), after “(1)” there is inserted “or (1A)”.

##### *Rules of procedure*

- 4 (1) Paragraph 7 of that Schedule (rules of procedure) is amended as follows.
- (2) In sub-paragraph (1), for the words from “regulating” onwards there is substituted “regulating—
- (a) the exercise of the rights of appeal conferred—
    - (i) by sections 28(4) and (6) and 48, and
    - (ii) by sections 57(1) and (2) and section 60(1) and (4) of the Freedom of Information Act 2000, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the practice and procedure of the Tribunal.”
- (3) In sub-paragraph (2), after paragraph (a) there is inserted—
  - “(aa) for the joinder of any other person as a party to any proceedings on an appeal under the Freedom of Information Act 2000,
  - (ab) for the hearing of an appeal under this Act with an appeal under the Freedom of Information Act 2000.”.