
STATUTORY INSTRUMENTS

2000 No. 2665

The Investigatory Powers Tribunal Rules 2000

PART II

Proceedings and complaints

Bringing section 7 proceedings

7.—(1) Section 7 proceedings are brought by a complainant sending to the Tribunal a form and other information in accordance with this rule.

(2) The form must be signed by the complainant and must:

- (a) state the name, address and date of birth of the complainant;
- (b) state each public authority against which the proceedings are brought;
- (c) describe the nature of the claim (including details of the Convention right which it is alleged has been infringed) and of the complainant's interest; and
- (d) specify the remedy which the complainant seeks.

(3) The complainant must also supply, either in or with the form, a summary of the information on which the claim is based.

(4) At any time, the Tribunal may invite the complainant to supply further information or to make written representations on any matter.

Making a complaint

8.—(1) A complaint is brought by a complainant sending to the Tribunal a form in accordance with this rule.

(2) The form must be signed by the complainant and must:

- (a) state the name, address and date of birth of the complainant;
- (b) state the person or authority whose conduct, to the best of the complainant's knowledge or belief, is the subject of the complaint; and
- (c) describe, to the best of the complainant's knowledge or belief, that conduct.

(3) The complainant must also supply, either in or with the form, a summary of the information on which the claim is based.

(4) At any time, the Tribunal may invite the complainant to supply further information or to make written representations on any matter.

Forms of hearing and consideration

9.—(1) The Tribunal's power to determine their own procedure in relation to section 7 proceedings and complaints shall be subject to this rule.

(2) The Tribunal shall be under no duty to hold oral hearings, but they may do so in accordance with this rule (and not otherwise).

(3) The Tribunal may hold, at any stage of their consideration, oral hearings at which the complainant may make representations, give evidence and call witnesses.

(4) The Tribunal may hold separate oral hearings which:

- (a) the person whose conduct is the subject of the complaint,
- (b) the public authority against which the section 7 proceedings are brought, or
- (c) any other person specified in section 68(7) of the Act,

may be required to attend and at which that person or authority may make representations, give evidence and call witnesses.

(5) Within a period notified by the Tribunal for the purpose of this rule, the complainant, person or authority in question must inform the Tribunal of any witnesses he or it intends to call; and no other witnesses may be called without the leave of the Tribunal.

(6) The Tribunal's proceedings, including any oral hearings, shall be conducted in private.

Representation

10.—(1) A person entitled to make representations at an oral hearing may appear in person or may be represented by any person he may appoint for that purpose, subject to paragraph (2).

(2) The leave of the Tribunal is required except where the representative is:

- (a) a member of the Bar of England and Wales or of Northern Ireland,
- (b) a solicitor of the Supreme Court in England and Wales or in Northern Ireland,
- (c) a member of the Faculty of Advocates, or
- (d) a solicitor within the meaning of the Solicitors (Scotland) Act 1980(1).

Evidence

11.—(1) The Tribunal may receive evidence in any form, and may receive evidence that would not be admissible in a court of law.

(2) The Tribunal may require a witness to give evidence on oath.

(3) No person shall be compelled to give evidence at an oral hearing under rule 9(3).

Remedies

12.—(1) Before exercising their power under section 67(7) of the Act, the Tribunal shall invite representations in accordance with this rule.

(2) Where they propose to make an award of compensation, the Tribunal shall give the complainant and the person who would be required to pay the compensation an opportunity to make representations as to the amount of the award.

(3) Where they propose to make any other order (including an interim order) affecting the public authority against whom the section 7 proceedings are brought, or the person whose conduct is the subject of the complaint, the Tribunal shall give that authority or person an opportunity to make representations on the proposed order.

(1) 1980 c. 46.

Notification to the complainant

13.—(1) In addition to any statement under section 68(4) of the Act, the Tribunal shall provide information to the complainant in accordance with this rule.

(2) Where they make a determination in favour of the complainant, the Tribunal shall provide him with a summary of that determination including any findings of fact.

(3) Where they make a determination:

- (a) that the bringing of the section 7 proceedings or the making of the complaint is frivolous or vexatious;
- (b) that the section 7 proceedings have been brought, or the complaint made, out of time and that the time limit should not be extended; or
- (c) that the complainant does not have the right to bring the section 7 proceedings or make the complaint;

the Tribunal shall notify the complainant of that fact.

(4) The duty to provide information under this rule is in all cases subject to the general duty imposed on the Tribunal by rule 6(1).

(5) No information may be provided under this rule whose disclosure would be restricted under rule 6(2) unless the person whose consent would be needed for disclosure under that rule has been given the opportunity to make representations to the Tribunal.