

## SCHEDULES

### SCHEDULE 1

Section 5(1).

#### INVESTIGATION OF COMPLAINTS

##### *Preliminary*

- 1 Any person may complain to the Tribunal if he is aggrieved by anything which he believes the Service 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 investigate it in accordance with this Schedule.

##### *Investigations and determinations*

- 2 (1) The Tribunal shall investigate whether the complainant has been the subject of inquiries by the Service.
- (2) If the Tribunal find that the Service has made inquiries about the complainant but that those inquiries had ceased at the time when the complaint was made, they shall determine whether, at the time when the inquiries were instituted, the Service had reasonable grounds for deciding to institute inquiries about the complainant in the discharge of its functions.
- (3) If the Tribunal find that inquiries by the Service about the complainant were continuing at the time when the complaint was made, they shall determine whether, at that time, the Service had reasonable grounds for deciding to continue inquiries about the complainant in the discharge of its functions.
- (4) Where it appears to the Tribunal that the inquiries had been or were being made about the complainant on the ground of his membership of a category of persons regarded by the Service as requiring investigation in the discharge of its functions, the Tribunal shall regard the Service as having reasonable grounds for deciding to institute or continue inquiries about the complainant if the Tribunal consider that the Service had reasonable grounds for believing him to be a member of that category.
- 3 If and so far as the complainant alleges that the Service has disclosed information for use in determining whether he should be employed, or continue to be employed, by any person or in any office or capacity specified by him, the Tribunal shall investigate whether the Service has disclosed information for that purpose and, if the Tribunal find that it has done so, they shall determine whether the Service had reasonable grounds for believing the information to be true.
- 4 (1) If and so far as the complainant alleges that anything has been done by the Service in relation to any property of his, the Tribunal shall refer the complaint to the Commissioner who shall investigate whether a warrant has been issued under section 3 of this Act in respect of that property and if he finds that such a warrant has been issued 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.

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- (2) The Commissioner shall inform the Tribunal of his conclusion on any complaint so far as referred to him under this paragraph.

*Report of conclusions*

- 5 (1) Where the Tribunal determine under paragraph 2 or 3 above that the Service did not have reasonable grounds for the decision or belief in question, they shall—
- (a) give notice to the complainant that they have made a determination in his favour under that paragraph; 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 4 above.
- (3) Where in the case of any complaint no such determination as is mentioned in subparagraph (1) or (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.

*Remedies*

- 6 (1) Where the Tribunal give a complainant notice of such a determination as is mentioned in paragraph 5(1) above the Tribunal may—
- (a) if the determination is under paragraph 2 above, order inquiries by the Service about the complainant to be ended and any records relating to such inquiries to be destroyed;
  - (b) if the determination is under that paragraph or paragraph 3 above, 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 5(2) above the Tribunal may—
- (a) quash any warrant in respect of any property of the complainant which the Commissioner has found to have been improperly issued or renewed and which he considers should be quashed;
  - (b) if the Commissioner considers that a sum should be paid to the complainant by way of compensation, direct the Secretary of State to pay to the complainant such sum as the Commissioner may specify.

*References to the Commissioner*

- 7 (1) If in a case investigated by the Tribunal under paragraph 2 above they consider that the Service may not be justified in regarding all members of a particular category as requiring investigation they shall refer that matter to the Commissioner.
- (2) 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 Service has

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in any other respect acted unreasonably in relation to the complainant or his property,

they shall refer that matter to the Commissioner.

- (3) The Commissioner may report any matter referred to him under this paragraph to the Secretary of State who 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 paragraph 6 above.

#### *Supplementary*

- 8 (1) The persons who may complain to the Tribunal under this Schedule include any organisation and any association or combination of persons.
- (2) References in this Schedule to a complainant's property include references to any place where the complainant resides or works.
- 9 (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 inquiries about a person were instituted before that date and no decision had been taken before that date to discontinue them, paragraph 2 above shall have effect as if they had been instituted on that date.