



# Security Service Act 1989

## 1989 CHAPTER 5

### **1 The Security Service**

- (1) There shall continue to be a Security Service (in this Act referred to as “the Service”) under the authority of the Secretary of State.
- (2) The function of the Service shall be the protection of national security and, in particular, its protection against threats from espionage, terrorism and sabotage, from the activities of agents of foreign powers and from actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means.
- (3) It shall also be the function of the Service to safeguard the economic well-being of the United Kingdom against threats posed by the actions or intentions of persons outside the British Islands.

### **2 The Director-General**

- (1) The operations of the Service shall continue to be under the control of a Director-General appointed by the Secretary of State.
- (2) The Director-General shall be responsible for the efficiency of the Service and it shall be his duty to ensure—
  - (a) that there are arrangements for securing that no information is obtained by the Service except so far as necessary for the proper discharge of its functions or disclosed by it except so far as necessary for that purpose or for the purpose of preventing or detecting serious crime; and
  - (b) that the Service does not take any action to further the interests of any political party.
- (3) The arrangements mentioned in subsection (2)(a) above shall be such as to ensure that information in the possession of the Service is not disclosed for use in determining whether a person should be employed, or continue to be employed, by any person, or in any office or capacity, except in accordance with provisions in that behalf approved by the Secretary of State.

- (4) The Director-General shall make an annual report on the work of the Service to the Prime Minister and the Secretary of State and may at any time report to either of them on any matter relating to its work.

### **3 Warrants**

- (1) No entry on or interference with property shall be unlawful if it is authorised by a warrant issued by the Secretary of State under this section.
- (2) The Secretary of State may on an application made by the Service issue a warrant under this section authorising the taking of such action as is specified in the warrant in respect of any property so specified if the Secretary of State—
- (a) thinks it necessary for the action to be taken in order to obtain information which—
    - (i) is likely to be of substantial value in assisting the Service to discharge any of its functions; and
    - (ii) cannot reasonably be obtained by other means; and
  - (b) is satisfied that satisfactory arrangements are in force under section 2(2)(a) above with respect to the disclosure of information obtained by virtue of this section and that the information obtained under the warrant will be subject to those arrangements.
- (3) A warrant shall not be issued under this section except—
- (a) under the hand of the Secretary of State; or
  - (b) in an urgent case where the Secretary of State has expressly authorised its issue and a statement of that fact is endorsed on it, under the hand of an official of his department of or above Grade 3.
- (4) A warrant shall, unless renewed under subsection (5) below, cease to have effect—
- (a) if the warrant was under the hand of the Secretary of State, at the end of the period of six months beginning with the day on which it was issued;
  - (b) in any other case, at the end of the period ending with the second working day following that day.
- (5) If at any time before the day on which a warrant would cease to have effect the Secretary of State considers it necessary for the warrant to continue to have effect for the purpose for which it was issued, he may by an instrument under his hand renew it for a period of six months beginning with that day.
- (6) The Secretary of State shall cancel a warrant if he is satisfied that the action authorised by it is no longer necessary.
- (7) In this section “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

### **4 The Security Service Commissioner**

- (1) The Prime Minister shall appoint as a Commissioner for the purposes of this Act a person who holds or has held high judicial office within the meaning of the Appellate Jurisdiction Act 1876.

- (2) The Commissioner shall hold office in accordance with the terms of his appointment and there shall be paid to him by the Secretary of State such allowances as the Treasury may determine.
- (3) In addition to his functions under the subsequent provisions of this Act the Commissioner shall keep under review the exercise by the Secretary of State of his powers under section 3 above.
- (4) It shall be the duty of every member of the Service and of every official of the department of the Secretary of State to disclose or give to the Commissioner such documents or information as he may require for the purpose of enabling him to discharge his functions.
- (5) The Commissioner shall make an annual report on the discharge of his functions to the Prime Minister and may at any time report to him on any matter relating to his discharge of those functions.
- (6) The Prime Minister shall lay before each House of Parliament a copy of each annual report made by the Commissioner under subsection (5) above together with a statement as to whether any matter has been excluded from that copy in pursuance of subsection (7) below.
- (7) If it appears to the Prime Minister, after consultation with the Commissioner, that the publication of any matter in a report would be prejudicial to the continued discharge of the functions of the Service, the Prime Minister may exclude that matter from the copy of the report as laid before each House of Parliament.
- (8) The Secretary of State may, after consultation with the Commissioner and with the approval of the Treasury as to numbers, provide the Commissioner with such staff as the Secretary of State thinks necessary for the discharge of his functions.

## **5 Investigation of complaints**

- (1) There shall be a Tribunal for the purpose of investigating complaints about the Service in the manner specified in Schedule 1 to this Act.
- (2) Schedule 2 to this Act shall have effect with respect to the constitution, procedure and other matters relating to the Tribunal.
- (3) The Commissioner shall have the functions conferred on him by Schedule 1 to this Act and give the Tribunal all such assistance in discharging their functions under that Schedule as they may require.
- (4) The decisions of the Tribunal and the Commissioner under that Schedule (including decisions as to their jurisdictions) shall not be subject to appeal or liable to be questioned in any court.

## **6 Expenses**

Any expenses incurred by the Secretary of State under this Act shall be defrayed out of money provided by Parliament.

## **7 Short title, commencement and extent**

- (1) This Act may be cited as the Security Service Act 1989.

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

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- (2) This Act shall come into force on such day as the Secretary of State may by an order made by statutory instrument appoint, and different days may be appointed for different provisions or different purposes.
- (3) This Act extends to Northern Ireland.
- (4) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to the Isle of Man, any of the Channel Islands or any colony.