



Intelligence Services Act 1994

1994 CHAPTER 13

The Commissioner, the Tribunal and the investigation of complaints

8 The 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 ^{M1}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 sections 5 to 7 above [^{F1}and the exercise by the Scottish Ministers of their powers under sections 5 and 6 above (by virtue of provision made under section 63 of the Scotland Act 1998)], except in so far as the powers under sections 5 and 6 above relate to the Security Service.
- (4) It shall be the duty of—
 - (a) every member of the Intelligence Service,
 - (b) every member of GCHQ, ^{F2} . . .
 - (c) every official of the department of the Secretary of State,

[^{F3}and

 - (d) every member of the staff of the Scottish Administration,]

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

[^{F4}—

Status: Point in time view as at 01/07/1999. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Intelligence Services Act 1994, Section 8. (See end of Document for details)

- (a) to the Prime Minister on any matter relating to his discharge of those functions; and
- (b) to the First Minister on any matter relating to his discharge of those functions so far as concerned with the exercise by the Scottish Ministers of their powers under sections 5 and 6 above (by virtue of provision made under section 63 of the Scotland Act 1998),]
- (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.
- [^{F5}(6A) The Prime Minister shall send a copy of every annual report together with a copy of the statement referred to in subsection (6) above which he lays in terms of that subsection to the First Minister who shall forthwith lay that copy report and statement before the Scottish Parliament.]
- (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 Intelligence Service or, as the case may be, GCHQ, 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.

Textual Amendments

- F1** Words in s. 8(3) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(3)(a)**
- F2** Word in s. 8(4)(b) repealed (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(3)(b)(i)**
- F3** S. 8(4)(d) and word immediately preceding it inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(3)(b)(ii)**
- F4** S. 8(5)(a)(b) and the “-” immediately before them substituted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(3)(c)**
- F5** S. 8(6A) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(3)(d)**

Commencement Information

- I1** S. 8 wholly in force at 15.12.1994; S. 8 not in force at Royal Assent, see s. 12(2); s. 8 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, **art. 2**

Marginal Citations

- M1** 1876 c. 59.

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