



Justice and Security Act 2013

2013 CHAPTER 18

PART 2

DISCLOSURE OF SENSITIVE MATERIAL

Closed material procedure: employment

16 Use of intercept evidence in employment cases involving national security

- (1) Section 18 of the Regulation of Investigatory Powers Act 2000 (exclusion of intercepted communications etc. from legal proceedings: exceptions) is amended as follows.
- (2) In subsection (1), after paragraph (d) insert—
- “(dza) any proceedings before an employment tribunal, or (in Northern Ireland) an industrial tribunal, where the applicant or the applicant’s representatives are excluded for all or part of the proceedings pursuant to—
- (i) a direction to the tribunal by virtue of section 10(5)(b) or (c) of the Employment Tribunals Act 1996 or (as the case may be) Article 12(5)(b) or (c) of the Industrial Tribunals (Northern Ireland) Order 1996 ([S.I. 1996/1921 \(N.I. 18\)](#)) (exclusion from Crown employment proceedings by direction of Minister in interests of national security), or
 - (ii) a determination of the tribunal by virtue of section 10(6) of that Act or (as the case may be) Article 12(6) of that Order (determination by tribunal in interests of national security),
- or any proceedings arising out of such proceedings;
- (dzb) any proceedings on an appeal under Article 80(2) of the Fair Employment and Treatment (Northern Ireland) Order 1998 ([S.I. 1998/3162 \(N.I. 21\)](#)) where—
- (i) the appeal relates to a claim of discrimination in contravention of Part 3 of that Order (employment cases)

Status: *This is the original version (as it was originally enacted).*

and to a certificate of the Secretary of State that the act concerned was justified for the purpose of safeguarding national security, and

- (ii) a party to the appeal or the party's representatives are excluded for all or part of the proceedings by virtue of section 91(4)(b) of the Northern Ireland Act 1998,

or any proceedings arising out of such proceedings;”.

(3) In subsection (2)—

- (a) in the opening words, for “(db)” substitute “(dza)”,
(b) after “anything—” insert—

“(zza) in the case of proceedings falling within paragraph (dza), to—

- (i) the person who is or was the applicant in the proceedings before the employment or industrial tribunal, or

- (ii) any person who for the purposes of proceedings so falling (but otherwise than by virtue of appointment as a special advocate) represents that person;

(zzb) in the case of proceedings falling within paragraph (dzb), to—

- (i) any person who is or was excluded from all or part of the proceedings on appeal under Article 80(2) of the Fair Employment and Treatment (Northern Ireland) Order 1998, or

- (ii) any person who for the purposes of proceedings so falling (but otherwise than by virtue of appointment as a special advocate) represents that person;”.