



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART IV

#### SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

##### *Commissioners*

#### **59 Intelligence Services Commissioner.**

- (1) The Prime Minister shall appoint a Commissioner to be known as the Intelligence Services Commissioner.
- (2) Subject to subsection (4), the Intelligence Services Commissioner shall keep under review, so far as they are not required to be kept under review by the Interception of Communications Commissioner—
  - (a) the exercise by the Secretary of State of his powers under sections 5 to 7 of <sup>[F1]</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) of their powers under section 5 and 6(3) and (4) of <sup>M1</sup>the Intelligence Services Act 1994 (warrants for interference with wireless telegraphy, entry and interference with property etc.);
  - (b) the exercise and performance by the Secretary of State <sup>[F2]</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), in connection with or in relation to—
    - (i) the activities of the intelligence services, and
    - (ii) the activities in places other than Northern Ireland of the officials of the Ministry of Defence and of members of Her Majesty's forces, of the powers and duties conferred or imposed on him by Parts II and III of this Act <sup>[F3]</sup>or on them by Part II of this Act];

*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 59 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) the exercise and performance by members of the intelligence services of the powers and duties conferred or imposed on them by or under Parts II and III of this Act;
  - (d) the exercise and performance in places other than Northern Ireland, by officials of the Ministry of Defence and by members of Her Majesty's forces, of the powers and duties conferred or imposed on such officials or members of Her Majesty's forces by or under Parts II and III; and
  - (e) the adequacy of the arrangements by virtue of which the duty imposed by section 55 is sought to be discharged—
    - (i) in relation to the members of the intelligence services; and
    - (ii) in connection with any of their activities in places other than Northern Ireland, in relation to officials of the Ministry of Defence and members of Her Majesty's forces.
- [<sup>F4</sup>(2A) The Intelligence Services Commissioner shall also keep under review—
- (a) the acquisition, storage and use by the intelligence services of information recorded in the National Identity Register;
  - (b) the provision of such information to members of the intelligence services in accordance with any provision made by or under the Identity Cards Act 2006;
  - (c) arrangements made by the Secretary of State or any of the intelligence services for the purposes of anything mentioned in paragraph (a) or (b).]
- (3) The Intelligence Services Commissioner shall give the Tribunal all such assistance (including his opinion as to any issue falling to be determined by the Tribunal) as the Tribunal may require—
    - (a) in connection with the investigation of any matter by the Tribunal; or
    - (b) otherwise for the purposes of the Tribunal's consideration or determination of any matter.
  - (4) It shall not be the function of the Intelligence Services Commissioner to keep under review the exercise of any power of the Secretary of State to make, amend or revoke any subordinate legislation.
  - (5) A person shall not be appointed under this section as the Intelligence Services Commissioner unless he holds or has held a high judicial office (within the meaning of [<sup>F5</sup>Part 3 of the Constitutional Reform Act 2005]) or is or has been a member of the Judicial Committee of the Privy Council].
  - (6) The Intelligence Services Commissioner shall hold office in accordance with the terms of his appointment; and there shall be paid to him out of money provided by Parliament such allowances as the Treasury may determine.
  - (7) The Secretary of State shall, after consultation with the Intelligence Services Commissioner and subject to the approval of the Treasury as to numbers, provide him with such staff as the Secretary of State considers necessary for the carrying out of the Commissioner's functions.
  - (8) Section 4 of the <sup>M2</sup>Security Service Act 1989 and section 8 of the <sup>M3</sup>Intelligence Services Act 1994 (Commissioners for the purposes of those Acts) shall cease to have effect.
  - (9) On the coming into force of this section the Commissioner holding office as the Commissioner under section 8 of the <sup>M4</sup>Intelligence Services Act 1994 shall take and hold office as the Intelligence Services Commissioner as if appointed under this Act—

*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 59 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) for the unexpired period of his term of office under that Act; and
- (b) otherwise, on the terms of his appointment under that Act.

(10) Subsection (7) of section 41 shall apply for the purposes of this section as it applies for the purposes of that section.

#### Textual Amendments

- F1** Words in s. 59(2)(a) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 11(a)** (with art. 6)
- F2** Words in s. 59(2)(b) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 11(b)(i)** (with art. 6)
- F3** Words in s. 59(2)(b) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 11(b)(ii)** (with art. 6)
- F4** S. 59(2A) inserted (1.10.2009) by Identity Cards Act 2006 (c. 15), **ss. 24(2)**, 44(3)(5); S.I. 2009/2303, **art. 2(b)**; S.I. 2009/2303, **art. 2(c)**
- F5** Words in s. 59(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 30(2)**; S.I. 2009/1604, **art. 2(e)**

#### Commencement Information

- I1** S. 59 partly in force; s. 59 not in force at royal Assent see s. 83(2); s.59(1)(2)(a)(3)-(10) in force at 2.10.2000 and the rest of s. 59(2) in force at 2.10.2000 for certain purposes by S.I. 2000/2543, **art. 3**; s. 59(2)(b) in force in so far as not already in force by S.I. 2007/2196, **art. 2(d)**

#### Marginal Citations

- M1** 1994 c. 13.
- M2** 1989 c. 5.
- M3** 1994 c. 13.
- M4** 1994 c. 13.

**Status:**

Point in time view as at 01/10/2009. This version of this provision has been superseded.

**Changes to legislation:**

Regulation of Investigatory Powers Act 2000, Section 59 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.