



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART IV

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

The Tribunal

67 Exercise of the Tribunal's jurisdiction

- (1) Subject to subsections (4) and (5), it shall be the duty of the Tribunal—
 - (a) to hear and determine any proceedings brought before them by virtue of section 65(2)(a) or (d); and
 - (b) to consider and determine any complaint or reference made to them by virtue of section 65(2)(b) or (c).
- (2) Where the Tribunal hear any proceedings by virtue of section 65(2)(a), they shall apply the same principles for making their determination in those proceedings as would be applied by a court on an application for judicial review.
- (3) Where the Tribunal consider a complaint made to them by virtue of section 65(2)(b), it shall be the duty of the Tribunal—
 - (a) to investigate whether the persons against whom any allegations are made in the complaint have engaged in relation to—
 - (i) the complainant,
 - (ii) any of his property,
 - (iii) any communications sent by or to him, or intended for him, or
 - (iv) his use of any postal service, telecommunications service or telecommunication system,in any conduct falling within section 65(5);

- (b) to investigate the authority (if any) for any conduct falling within section 65(5) which they find has been so engaged in; and
 - (c) in relation to the Tribunal's findings from their investigations, to determine the complaint by applying the same principles as would be applied by a court on an application for judicial review.
- (4) The Tribunal shall not be under any duty to hear, consider or determine any proceedings, complaint or reference if it appears to them that the bringing of the proceedings or the making of the complaint or reference is frivolous or vexatious.
- (5) Except where the Tribunal, having regard to all the circumstances, are satisfied that it is equitable to do so, they shall not consider or determine any complaint made by virtue of section 65(2)(b) if it is made more than one year after the taking place of the conduct to which it relates.
- (6) Subject to any provision made by rules under section 69, where any proceedings have been brought before the Tribunal or any reference made to the Tribunal, they shall have power to make such interim orders, pending their final determination, as they think fit.
- (7) Subject to any provision made by rules under section 69, the Tribunal on determining any proceedings, complaint or reference shall have power to make any such award of compensation or other order as they think fit; and, without prejudice to the power to make rules under section 69(2)(h), the other orders that may be made by the Tribunal include—
 - (a) an order quashing or cancelling any warrant or authorisation; and
 - (b) an order requiring the destruction of any records of information which—
 - (i) has been obtained in exercise of any power conferred by a warrant or authorisation; or
 - (ii) is held by any public authority in relation to any person.
- (8) Except to such extent as the Secretary of State may by order otherwise provide, determinations, awards, orders and other decisions of the Tribunal (including decisions as to whether they have jurisdiction) shall not be subject to appeal or be liable to be questioned in any court.
- (9) It shall be the duty of the Secretary of State to secure that there is at all times an order under subsection (8) in force allowing for an appeal to a court against any exercise by the Tribunal of their jurisdiction under section 65(2)(c) or (d).
- (10) The provision that may be contained in an order under subsection (8) may include—
 - (a) provision for the establishment and membership of a tribunal or body to hear appeals;
 - (b) the appointment of persons to that tribunal or body and provision about the remuneration and allowances to be payable to such persons and the expenses of the tribunal;
 - (c) the conferring of jurisdiction to hear appeals on any existing court or tribunal; and
 - (d) any such provision in relation to an appeal under the order as corresponds to provision that may be made by rules under section 69 in relation to proceedings before the Tribunal, or to complaints or references made to the Tribunal.
- (11) The Secretary of State shall not make an order under subsection (8) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

- (12) The Secretary of State shall consult the Scottish Ministers before making any order under subsection (8); and any such order shall be laid before the Scottish Parliament.