



# 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*

#### **68 Tribunal procedure.**

- (1) Subject to any rules made under section 69, the Tribunal shall be entitled to determine their own procedure in relation to any proceedings, complaint or reference brought before or made to them.
- (2) The Tribunal shall have power—
  - (a) in connection with the investigation of any matter, or
  - (b) otherwise for the purposes of the Tribunal's consideration or determination of any matter,to require a relevant Commissioner appearing to the Tribunal to have functions in relation to the matter in question to provide the Tribunal with all such assistance (including that Commissioner's opinion as to any issue falling to be determined by the Tribunal) as the Tribunal think fit.
- (3) Where the Tribunal hear or consider any proceedings, complaint or reference relating to any matter, they shall secure that every relevant Commissioner appearing to them to have functions in relation to that matter—
  - (a) is aware that the matter is the subject of proceedings, a complaint or a reference brought before or made to the Tribunal; and
  - (b) is kept informed of any determination, award, order or other decision made by the Tribunal with respect to that matter.

---

**Changes to legislation:** *Regulation of Investigatory Powers Act 2000, Section 68 is up to date with all changes known to be in force on or before 21 July 2023. 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) View outstanding changes*

---

- (4) Where the Tribunal determine any proceedings, complaint or reference brought before or made to them, they shall give notice to the complainant which (subject to any rules made by virtue of section 69(2)(i)) shall be confined, as the case may be, to either—
- (a) a statement that they have made a determination in his favour; or
  - (b) a statement that no determination has been made in his favour.

[<sup>F1</sup>(4A) Where the Tribunal make any determination of a kind mentioned in subsection (4), they must also give notice to—

- (a) in the case of proceedings, the respondent,
- (b) in the case of a complaint, the person complained against, and
- (c) in the case of a reference, any public authority to whom the reference relates.

(4B) A notice under subsection (4A) is (subject to any rules made by virtue of section 69(2)(j)) to be confined, as the case may be, to either—

- (a) a statement that they have made a determination in the complainant's favour, or
- (b) a statement that no determination has been made in the complainant's favour.

(4C) Where the Tribunal make any decision which—

- (a) is a final decision of a preliminary issue in relation to any proceedings, complaint or reference brought before or made to them, and
- (b) is neither a determination of a kind mentioned in subsection (4) nor a decision relating to a procedural matter,

they must give notice of that decision to every person who would be entitled to receive notice of the determination under subsection (4) or (4A).

(4D) A notice under subsection (4C) is (subject to any rules made by virtue of section 69(2)(i) or (j)) to be confined to a statement as to what the decision is.

(4E) Subsections (4C) and (4D) do not apply so far as—

- (a) the Tribunal are prevented from giving notice of a decision to a person by rules made by virtue of section 69(4) or decide under such rules not to give such a notice, or
- (b) the giving of such a notice is inconsistent with such rules.]

(5) Where—

- (a) the Tribunal make a determination in favour of any person by whom any proceedings have been brought before the Tribunal or by whom any complaint or reference has been made to the Tribunal, and
- (b) the determination relates to any act or omission by or on behalf of the Secretary of State or to conduct for which any warrant, authorisation or permission [<sup>F2</sup>, or notice under Part 4 of the Investigatory Powers Act 2016 or under section 252 or 253 of that Act or direction under section 225 of that Act,] was issued, granted or given by the Secretary of State,

they shall make a report of their findings to the Prime Minister.

(6) It shall be the duty of the persons specified in subsection (7) to disclose or provide to the Tribunal all such documents and information as the Tribunal may require for the purpose of enabling them—

- (a) to exercise the jurisdiction conferred on them by or under section 65; or

**Changes to legislation:** Regulation of Investigatory Powers Act 2000, Section 68 is up to date with all changes known to be in force on or before 21 July 2023. 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) View outstanding changes

- (b) otherwise to exercise or perform any power or duty conferred or imposed on them by or under this Act [<sup>F3</sup>or the Investigatory Powers Act 2016].
- (7) Those persons are—
- (a) every person holding office under the Crown;
  - <sup>F4</sup>(b) .....
  - <sup>F5</sup>(ba) .....
  - (d) every person employed by or for the purposes of a police force;
  - <sup>F6</sup>(da) the Police Investigations and Review Commissioner and every member of the Commissioner’s staff;]
  - <sup>F7</sup>(db) the Service Police Complaints Commissioner and every member of the Commissioner’s staff;]
  - (e) every person required for the purposes of [<sup>F8</sup>section 41, 126, 149, 168 or 190 of the Investigatory Powers Act 2016] to provide assistance with giving effect to [<sup>F9</sup>a warrant];
  - (f) every person on whom an obligation to take any steps has been imposed under [<sup>F10</sup>section 252 or 253 of that Act];
  - <sup>F11</sup>(g) every person by or to whom an authorisation under Part 3 of that Act has been granted;
  - (h) every person to whom a notice under Part 3 of that Act has been given;
  - (ha) every person to whom a retention notice under Part 4 of that Act or a notice under section 252 or 253 of that Act has been given;]
  - (i) every person by whom, or on whose application, there has been granted or given any authorisation under Part II of this Act or under Part III of the <sup>M1</sup>Police Act 1997;
  - (j) every person who holds or has held any office, rank or position with the same public authority as a person falling within paragraph (i);
  - (k) every person who has engaged in any conduct with the authority of [<sup>F12</sup>—
    - (i) an authorisation under Part 3 of the Investigatory Powers Act 2016, Part 2 of this Act or Part 3 of the Police Act 1997, or
    - (ii) a warrant under Chapter 2 of Part 6 of the Investigatory Powers Act 2016;]
  - (l) every person who holds or has held any office, rank or position with a public authority for whose benefit any such authorisation [<sup>F13</sup>or warrant] has been or may be given;
  - (m) every person to whom a notice under section 49 has been given; and
  - (n) every person who is or has been employed for the purposes of any business of a person falling within paragraph (e), (f), (h) [<sup>F14</sup>, (ha)] or (m).
- (8) In this section “relevant Commissioner” means the [<sup>F15</sup>Investigatory Powers Commissioner or any other Judicial Commissioner or the Investigatory Powers Commissioner for Northern Ireland].

#### Textual Amendments

- F1** S. 68(4A)-(4E) inserted (31.12.2018) by Investigatory Powers Act 2016 (c. 25), ss. 242(3), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1379, reg. 2
- F2** Words in s. 68(5)(b) inserted (12.3.2018) by Investigatory Powers Act 2016 (c. 25), ss. 243(3), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(c)(v)
- F3** Words in s. 68(6)(b) inserted (12.3.2018) by Investigatory Powers Act 2016 (c. 25), ss. 243(4), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(c)(vi)

**Changes to legislation:** *Regulation of Investigatory Powers Act 2000, Section 68 is up to date with all changes known to be in force on or before 21 July 2023. 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) View outstanding changes*

- F4** S. 68(7)(b) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 97**; S.I. 2013/1682, art. 3(v)
- F5** S. 68(7)(ba) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 33(22)(a)**
- F6** S. 68(7)(da) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 33(22)(b)**
- F7** S. 68(7)(db) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(11)**
- F8** Words in s. 68(7)(e) substituted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(a)(i)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 11(e)(vii)
- F9** Words in s. 68(7)(e) substituted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(a)(ii)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 11(e)(vii)
- F10** Words in s. 68(7)(f) substituted (12.3.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(b)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(c)(vii)
- F11** S. 68(7)(g)-(ha) substituted for s. 68(g)(h) (12.3.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(c)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(c)(vii)
- F12** Words in s. 68(7)(k) substituted (22.8.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(d)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/873, reg. 3(i)
- F13** Words in s. 68(7)(l) inserted (22.8.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(e)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/873, reg. 3(i)
- F14** Word in s. 68(7)(n) inserted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(5)(f)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 11(e)(vii)
- F15** Words in s. 68(8) substituted (12.3.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 243(6)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(c)(viii)

#### **Modifications etc. (not altering text)**

- C1** S. 68 applied (with modifications) by 1998 c. 47, s. 69B(2)(c)(ii) (as inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 15**, 53 (with s. 20); S.I. 2007/2045, **art. 2(2)(3)(j)** (with art. 3))
- C2** S. 68 modified (8.3.2018) by The Investigatory Powers Act 2016 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/341), **reg. 7**
- C3** S. 68 modified (18.7.2018) by The Investigatory Powers Act 2016 (Commencement No. 7 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/873), **reg. 10**
- C4** S. 68(7) modified (temp.) (29.5.2018) by The Investigatory Powers Act 2016 (Commencement No. 5 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/652), **reg. 19(5)**
- C5** S. 68(7) modified (temp.) (29.5.2018) by The Investigatory Powers Act 2016 (Commencement No. 5 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/652), **reg. 26**
- C6** S. 68(7)(e) modified (temp.) (29.5.2018) by The Investigatory Powers Act 2016 (Commencement No. 5 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/652), **reg. 19(3)(c)**
- C7** S. 68(7)(e) modified (20.8.2018) by The Investigatory Powers Act 2016 (Commencement No. 8 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/940), **reg. 8(2)(3)**

#### **Commencement Information**

- I1** S. 68 wholly in force at 1.10.2007; s. 68 not in force at Royal Assent see s. 83(2); s. 68 in force except s. 68(7)(g)(h)(m) and s. 68(7)(n) in respect of s. 68(7)(m) at 2.10.2000 by S.I. 2000/2543, **art. 3**; s. 68(7)(g)(h) in force at 5.1.2004 by S.I. 2003/3140, **art. 2**; s. 68(7)(m) in force and (n) in force for certain purposes at 1.10.2007 by S.I. 2007/2196, **art. 2(g)**

#### **Marginal Citations**

- M1** 1997 c. 50.

**Changes to legislation:**

Regulation of Investigatory Powers Act 2000, Section 68 is up to date with all changes known to be in force on or before 21 July 2023. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)