
Changes to legislation: Investigatory Powers Act 2016, Cross Heading: Disclosures to inquiries and inquests is up to date with all changes known to be in force on or before 11 September 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

SCHEDULES

SCHEDULE 3

EXCEPTIONS TO SECTION 56

Disclosures to inquiries and inquests

- 22 (1) Nothing in section 56(1) prohibits—
- (a) a disclosure to the panel of an inquiry held under the Inquiries Act 2005, or
 - (b) a disclosure to a person appointed as legal adviser to such an inquiry,
- where, in the course of the inquiry, the panel has ordered the disclosure to be made to the panel alone or (as the case may be) to the panel and any person appointed as legal adviser to the inquiry.
- (2) The panel of an inquiry may order a disclosure under sub-paragraph (1) only if it considers that the exceptional circumstances of the case make the disclosure essential to enable the inquiry to fulfil its terms of reference.
- (3) Any reference in this paragraph to a person appointed as legal adviser to an inquiry is a reference to a person appointed as solicitor or counsel to the inquiry.

Commencement Information

II Sch. 3 para. 22 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

- 23 (1) Section 56(1) does not apply in relation to any restricted proceedings of an inquiry held under the Inquiries Act 2005.
- (2) Proceedings of an inquiry held under that Act are “restricted proceedings” for the purposes of this paragraph if restrictions imposed under section 19 of that Act are in force prohibiting attendance at the proceedings by any person who is not—
- (a) a member of the panel of the inquiry,
 - (b) a person appointed as legal adviser to the inquiry,
 - (c) a person who is a relevant party to the proceedings,
 - (d) a person representing such a person for the purposes of the proceedings, or
 - (e) a person performing functions necessary for the proper functioning of the proceedings.
- (3) But sub-paragraph (1) does not permit any disclosure which has not been made in accordance with paragraph 22(1).
- (4) In this paragraph “relevant party”, in relation to any proceedings of an inquiry, means—
- (a) any person making a disclosure to the panel of the inquiry, or to a person appointed as legal adviser to the inquiry, in accordance with paragraph 22(1);

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- (b) any person giving evidence to the inquiry in circumstances where, in the absence of sub-paragraph (1), the prohibition imposed by section 56(1) would be breached;
 - (c) any person whose conduct is the interception-related conduct (within the meaning of section 56) to which the disclosure or evidence relates (whether or not that conduct has in fact occurred);
 - (d) any other person to whom the subject-matter of the disclosure or evidence has been lawfully disclosed in accordance with section 58.
- (5) Any reference in this paragraph to a person appointed as legal adviser to an inquiry is to be read in accordance with paragraph 22(3).

Commencement Information

I2 Sch. 3 para. 23 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

- 24 (1) Nothing in section 56(1) prohibits—
- (a) a disclosure to a person (the “nominated person”) nominated under paragraph 3(1) of Schedule 10 to the Coroners and Justice Act 2009 (investigation by judge or former judge) to conduct an investigation into a person's death, or
 - (b) a disclosure to a person appointed as legal adviser to an inquest forming part of an investigation conducted by the nominated person,
- where, in the course of the investigation, the nominated person has ordered the disclosure to be made to the nominated person alone or (as the case may be) to the nominated person and any person appointed as legal adviser to the inquest.
- (2) The nominated person may order a disclosure under sub-paragraph (1) only if the person considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
- (3) In a case where a person who is not a nominated person is or has been conducting an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death, nothing in section 56(1) prohibits—
- (a) a disclosure to the person that there is intercepted material in existence which is, or may be, relevant to the investigation;
 - (b) a disclosure to a person appointed as legal adviser to an inquest forming part of the investigation which is made for the purposes of determining—
 - (i) whether any intercepted material is, or may be, relevant to the investigation, and
 - (ii) if so, whether it is necessary for the material to be disclosed to the person conducting the investigation.
- (4) In sub-paragraph (3) “intercepted material” means—
- (a) any content of an intercepted communication (within the meaning of section 56), or
 - (b) any secondary data obtained from a communication.
- (5) Any reference in this paragraph to a person appointed as legal adviser to an inquest is a reference to a person appointed as solicitor or counsel to the inquest.

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Commencement Information

I3 Sch. 3 para. 24 in force at 27.6.2018 by [S.I. 2018/652](#), **reg. 8(w)**

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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):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)