
STATUTORY INSTRUMENTS

2005 No. 13

The Information Tribunal (National Security Appeals) Rules 2005

Relevant Minister's notice in reply

8.—(1) No later than 42 days after receipt of a copy of a notice of appeal under rule 7(1)(b) above, the relevant Minister shall send to the Tribunal—

- (a) a copy of the certificate to which the appeal relates, and
- (b) a written notice in accordance with paragraph (2) below;

(2) The notice shall state—

- (a) with regard to an appeal under section 28(4) of the 1998 Act, section 60(1) of the 2000 Act or section 60(1) of the 2000 Act as applied by regulation 18(1), as modified by regulation 18(7) of the 2004 Regulations, whether or not he intends to oppose the appeal and, if so—

- (i) a summary of the circumstances relating to the issue of the certificate, and the reason for the issue of the certificate;
- (ii) the grounds upon which he relies in opposing the appeal; and
- (iii) a statement of the evidence upon which he relies in support of those grounds; and

- (b) with regard to an appeal under section 28(6) of the 1998 Act, section 60(4) of the 2000 Act or section 60(4) as applied by regulation 18(1), as modified by regulation 18(7) of the 2004 Regulations, whether or not he wishes to make representations in relation to the appeal and, if so—

- (i) the extent to which he intends to support or oppose the appeal;
- (ii) the grounds upon which he relies in supporting or opposing the appeal; and
- (iii) a statement of the evidence upon which he relies in support of those grounds.

(3) Except where the Tribunal proposes to determine the appeal in accordance with rule 12 below, and subject to rule 13 below, the proper office shall send a copy of the notice to—

- (a) the appellant;
- (b) the Commissioner; and
- (c) in the case of an appeal under section 28(6) of the 1998 Act, the respondent data controller.

(4) A notice under this rule may include a request for an early determination of the appeal and the reasons for that request