

SCHEDULES

SCHEDULE 1

INVESTIGATION OF COMPLAINTS

Investigations and determinations

- 2 (1) The Tribunal shall investigate whether the complainant has been the subject of inquiries by the Service.
- (2) If the Tribunal find that the Service has made inquiries about the complainant but that those inquiries had ceased at the time when the complaint was made, they shall determine whether, at the time when the inquiries were instituted, the Service had reasonable grounds for deciding to institute inquiries about the complainant in the discharge of its functions.
- (3) If the Tribunal find that inquiries by the Service about the complainant were continuing at the time when the complaint was made, they shall determine whether, at that time, the Service had reasonable grounds for deciding to continue inquiries about the complainant in the discharge of its functions.
- (4) Where it appears to the Tribunal that the inquiries had been or were being made about the complainant on the ground of his membership of a category of persons regarded by the Service as requiring investigation in the discharge of its functions, the Tribunal shall regard the Service as having reasonable grounds for deciding to institute or continue inquiries about the complainant if the Tribunal consider that the Service had reasonable grounds for believing him to be a member of that category.
- 3 If and so far as the complainant alleges that the Service has disclosed information for use in determining whether he should be employed, or continue to be employed, by any person or in any office or capacity specified by him, the Tribunal shall investigate whether the Service has disclosed information for that purpose and, if the Tribunal find that it has done so, they shall determine whether the Service had reasonable grounds for believing the information to be true.
- 4 (1) If and so far as the complainant alleges that anything has been done by the Service in relation to any property of his, the Tribunal shall refer the complaint to the Commissioner who shall investigate whether a warrant has been issued under section 3 of this Act in respect of that property and if he finds that such a warrant has been issued he shall, applying the principles applied by a court on an application for judicial review, determine whether the Secretary of State was acting properly in issuing or renewing the warrant.
- (2) The Commissioner shall inform the Tribunal of his conclusion on any complaint so far as referred to him under this paragraph.