

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Interception of Communications Act 1985. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **U.K.**

Section 7.

THE TRIBUNAL

Constitution of Tribunal

- 1 (1) The Tribunal shall consist of five members each of whom shall be
 - [^{F1}(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.]
- (2) The members of the Tribunal shall be such persons as Her Majesty may by Letters Patent appoint and shall, subject to the following sub-paragraphs, hold office during good behaviour.
- (3) A member of the Tribunal shall vacate office at the end of the period of five years beginning with the day of his appointment but shall be eligible for reappointment.
- (4) A member of the Tribunal may be relieved of office by Her Majesty at his own request.
- (5) A member of the Tribunal may be removed from office by Her Majesty on an Address presented to Her by both Houses of Parliament.

Textual Amendments

- F1** Sch. 1 para. 1(1)(a)(b)(c) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 5), s. 71(2), Sch. 10 para. 62

President and Vice-President

- 2 (1) Her Majesty may by Letters Patent appoint as President or Vice-President of the Tribunal a person who is, or by virtue of those Letters will be, a member of the Tribunal.
- (2) If at any time the President of the Tribunal is temporarily unable to carry out the functions of the President under this Schedule, the Vice-President shall carry out those functions.
- (3) A person shall cease to be President or Vice-President of the Tribunal if he ceases to be a member of the Tribunal.

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Modifications etc. (not altering text)

C1 S. 2: transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2, Sch. 1 (with art. 7); S.I. 1998/3178

Procedure of Tribunal

- 3 The functions of the Tribunal in relation to any application made to them shall be capable of being carried out, in any place in the United Kingdom, by any two or more members of the Tribunal designated for the purpose by their President; and different members of the Tribunal may carry out functions in relation to different applications at the same time.
- 4 (1) It shall be the duty of every person holding office under the Crown or engaged in the business of the Post Office or in the running of a public telecommunications system to disclose or give to the Tribunal such documents or information as they may require for the purpose of enabling them to carry out their functions under this Act.
- (2) Subject to paragraph 6(2) below, the Tribunal shall carry out their functions under this Act (except their functions in relation to reports under section 7(4) of this Act) in such a way as to secure that no document or information which is disclosed or given to the Tribunal is disclosed or given to any person (including an applicant to the Tribunal or a person holding office under the Crown) without the consent of the person who disclosed or gave it to the Tribunal; and accordingly the Tribunal shall not, except in reports under section 7(4) of this Act, give reasons for any decision made by them.
- (3) Subject to sub-paragraph (2) above, the Tribunal may determine their own procedure.

Modifications etc. (not altering text)

C2 S. 4: transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2 Sch. 1 (with art. 7); S.I. 1998/3178

Salaries and expenses

- 5 (1) The Secretary of State shall pay to the members of the Tribunal out of money provided by Parliament such remuneration and allowances as he may with the approval of the Treasury determine.
- (2) Such expenses of the Tribunal as the Secretary of State may with the approval of the Treasury determine shall be defrayed by him out of money provided by Parliament.

Modifications etc. (not altering text)

C3 S. 5: transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2, Sch. 1 (with art. 7); S.I. 1998/3178

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Officers

- 6 (1) The Secretary of State may, after consultation with the Tribunal and with the approval of the Treasury as to numbers, provide the Tribunal with such officers as he thinks necessary for the proper discharge of their functions.
- (2) The Tribunal may authorise any officer provided under this paragraph to obtain any documents or information on the Tribunal's behalf.

Modifications etc. (not altering text)

C4 S. 6: transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2, Sch. 1 (with art. 7); S.I. 1998/3178

Parliamentary disqualification

- 7 (1) In Part II of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted (at the appropriate place) the following entry—

“The Tribunal established under the Interception of Communications Act 1985”;

and the like insertion shall be made in Part II of Schedule 1 to the ^{M2}Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M1 1975 c. 24.

M2 1975 c. 25.

Disclosure of messages etc.

- 45 (1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally discloses to any person—
- (a) the contents of any message which has been intercepted in the course of its transmission by means of that system; or
- (b) any information concerning the use made of telecommunication services provided for any other person by means of that system,
- shall be guilty of an offence.
- (2) Subsection (1) above does not apply to—
- (a) any disclosure which is made for the prevention or detection of crime or for the purposes of any criminal proceedings;

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- (b) any disclosure of matter falling within paragraph (a) of that subsection which is made in obedience to a warrant issued by the Secretary of State under section 2 of the Interception of Communications Act 1985 or in pursuance of a requirement imposed by the Commissioner under section 8(3) of that Act; or
 - (c) any disclosure of matter falling within paragraph (b) of that subsection which is made in the interests of national security or in pursuance of the order of a court.
- (3) For the purposes of subsection (2)(c) above a certificate signed by a Minister of the Crown who is a member of the Cabinet, or by the Attorney General or the Lord Advocate, certifying that a disclosure was made in the interests of national security shall be conclusive evidence of that fact; and a document purporting to be such a certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

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