



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VII

#### HUMAN RIGHTS AND EQUAL OPPORTUNITIES

##### *Human rights*

##### **[<sup>F1</sup>69B Investigations: national security**

- (1) Where a person is given a notice under section 69A(1) he shall disregard it, and notify the Commission that he is disregarding it, in so far as he thinks it would require him—
  - (a) to disclose sensitive information within the meaning of paragraph 4 of Schedule 3 to the Intelligence Services Act 1994 (c. 13) (Intelligence and Security Committee),
  - (b) to disclose information which might lead to the identification of an employee or agent of an intelligence service (other than one whose identity is already known to the Commission),
  - (c) to disclose information which might provide details of processes used in recruiting, selecting or training employees or agents of an intelligence service,
  - (d) to disclose information which might provide details of, or cannot practicably be separated from, information falling within any of paragraphs (a) to (c),
  - (e) to make a disclosure of information relating to an intelligence service which would prejudice the interests of national security, or
  - (f) to make a disclosure of information relating to the Police Service of Northern Ireland which would prejudice the interests of national security.
- (2) Where in response to a notice under section 69A(1) a person gives a notice to the Commission under subsection (1) above—
  - (a) section 69A(7) and (8) shall not apply in relation to that part of the notice under section 69A(1) to which the notice under subsection (1) above relates,
  - (b) the Commission may apply to the tribunal established by section 65 of the Regulation of Investigatory Powers Act 2000 (c. 23) for an order requiring

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*Status: Point in time view as at 01/08/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 69B. (See end of Document for details)*

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- the person to take such steps as may be specified in the order to comply with the notice,
- (c) the following provisions of that Act shall apply in relation to proceedings under this subsection as they apply in relation to proceedings under that Act (with any necessary modifications)—
- (i) section 67(7), (8) and (10) to (12) (determination),
  - (ii) section 68 (procedure), and
  - (iii) section 69 (rules), and
- (d) the tribunal shall determine proceedings under this subsection by considering the opinion of the person who gave the notice under subsection (1) above in accordance with the principles that would be applied by a court on an application for judicial review of the giving of the notice.
- (3) Where the Commission receives information or documents from or relating to an intelligence service in response to a notice under section 69A(1), the Commission shall store and use the information or documents in accordance with any arrangements specified by the Secretary of State.
- (4) The recipient of a notice under section 69A(1) may apply to the High Court to have the notice cancelled on the grounds that the requirement imposed by the notice is undesirable for reasons of national security, other than for the reason that it would require a disclosure of a kind to which subsection (1) above applies.
- (5) An investigation under section 69(8) may not consider—
- (a) whether an intelligence service has acted (or is acting) in a way which is incompatible with a person's human rights, or
  - (b) other matters concerning human rights in relation to an intelligence service.
- (6) In this section “intelligence service” means—
- (a) the Security Service,
  - (b) the Secret Intelligence Service, and
  - (c) the Government Communications Headquarters.]

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**Textual Amendments**

**F1** Ss. 69A, 69B 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)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 69B.