

*Status: Point in time view as at 12/07/2016.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 01 July 2024. 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)*

## SCHEDULES

### SCHEDULE 3

Section 65.

#### THE TRIBUNAL

##### *Membership of the Tribunal*

- 1 (1) A person shall not be appointed as a member of the Tribunal unless he is—
- (a) a person who holds or has held a high judicial office (within the meaning of <sup>[F1]</sup>Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council];
  - <sup>[F2]</sup>(b) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis;]
  - (c) an advocate or solicitor in Scotland of at least <sup>[F3]</sup>seven years' standing; or
  - (d) a member of the Bar of Northern Ireland or <sup>[F4]</sup>solicitor of the Court of Judicature of Northern Ireland] of at least <sup>[F3]</sup>seven years' standing.
- (2) Subject to the following provisions of this paragraph, the members of the Tribunal shall 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.
- (6) If the Scottish Parliament passes a resolution calling for the removal of a member of the Tribunal, it shall be the duty of the Secretary of State to secure that a motion for the presentation of an Address to Her Majesty for the removal of that member, and the resolution of the Scottish Parliament, are considered by each House of Parliament.

#### Textual Amendments

- F1** Words in Sch. 3 para. 1(1)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 145, 148, [Sch. 17 para. 30\(2\)](#); S.I. 2009/1604, [art. 2\(e\)](#)
- F2** Sch. 3 para. 1(1)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 50, 148, [Sch. 10 para. 33\(2\)](#); S.I. 2008/1653, [art. 2\(d\)](#)
- F3** Words in Sch. 3 para. 1(1)(c)(d) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 50, 148, [Sch. 10 para. 33\(3\)](#); S.I. 2008/1653, [art. 2\(d\)](#)
- F4** Words in Sch. 3 para. 1(1)(d) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 5](#); S.I. 2009/1604, [art. 2\(d\)](#)

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### *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) A person shall not be appointed President of the Tribunal unless he holds or has held a high judicial office (within the meaning of [F5Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council]).
  - (3) If at any time—
    - (a) the President of the Tribunal is temporarily unable to carry out any functions conferred on him by this Schedule or any rules under section 69, or
    - (b) the office of President of the Tribunal is for the time being vacant, the Vice-President shall carry out those functions.
  - (4) A person shall cease to be President or Vice-President of the Tribunal if he ceases to be a member of the Tribunal.

#### **Textual Amendments**

**F5** Words in Sch. 3 para. 2(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, Sch. 17 para. 30(2); S.I. 2009/1604, art. 2(e)

### *Members of the Tribunal with special responsibilities*

- 3
- (1) The President of the Tribunal shall designate one or more members of the Tribunal as the member or members having responsibilities in relation to matters involving the intelligence services.
  - (2) It shall be the duty of the President of the Tribunal, in exercising any power conferred on him by rules under section 69 to allocate the members of the Tribunal who are to consider or hear any complaint, proceedings, reference or preliminary or incidental matter, to exercise that power in a case in which the complaint, proceedings or reference relates to, or to a matter involving—
    - (a) an allegation against any of the intelligence services or any member of any of those services, or
    - (b) conduct by or on behalf of any of those services or any member of any of those services,
 in such manner as secures that the allocated members consist of, or include, one or more of the members for the time being designated under sub-paragraph (1).

### *Salaries and expenses*

- 4
- (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.

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### *Officers*

- 5 (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.

### *Parliamentary disqualification*

- 6 In Part II of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted (at the appropriate places) the following entry—

“The Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000”.

#### **Marginal Citations**

**M1** 1975 c. 24.

**M2** 1975 c. 25.

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