



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART IV

SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

The Tribunal

68 Tribunal procedure.

- (1) Subject to any rules made under section 69, the Tribunal shall be entitled to determine their own procedure in relation to any proceedings, complaint or reference brought before or made to them.
- (2) The Tribunal shall have power—
 - (a) in connection with the investigation of any matter, or
 - (b) otherwise for the purposes of the Tribunal's consideration or determination of any matter,to require a relevant Commissioner appearing to the Tribunal to have functions in relation to the matter in question to provide the Tribunal with all such assistance (including that Commissioner's opinion as to any issue falling to be determined by the Tribunal) as the Tribunal think fit.
- (3) Where the Tribunal hear or consider any proceedings, complaint or reference relating to any matter, they shall secure that every relevant Commissioner appearing to them to have functions in relation to that matter—
 - (a) is aware that the matter is the subject of proceedings, a complaint or a reference brought before or made to the Tribunal; and
 - (b) is kept informed of any determination, award, order or other decision made by the Tribunal with respect to that matter.

Status: Point in time view as at 08/03/2018. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 68 is up to date with all changes known to be in force on or before 26 June 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)

- (4) Where the Tribunal determine any proceedings, complaint or reference brought before or made to them, they shall give notice to the complainant which (subject to any rules made by virtue of section 69(2)(i)) shall be confined, as the case may be, to either—
- (a) a statement that they have made a determination in his favour; or
 - (b) a statement that no determination has been made in his favour.
- (5) Where—
- (a) the Tribunal make a determination in favour of any person by whom any proceedings have been brought before the Tribunal or by whom any complaint or reference has been made to the Tribunal, and
 - (b) the determination relates to any act or omission by or on behalf of the Secretary of State or to conduct for which any warrant, authorisation or permission was issued, granted or given by the Secretary of State,
- they shall make a report of their findings to the Prime Minister.
- (6) It shall be the duty of the persons specified in subsection (7) to disclose or provide to the Tribunal all such documents and information as the Tribunal may require for the purpose of enabling them—
- (a) to exercise the jurisdiction conferred on them by or under section 65; or
 - (b) otherwise to exercise or perform any power or duty conferred or imposed on them by or under this Act.
- (7) Those persons are—
- (a) every person holding office under the Crown;
 - ^{F1}(b)
 - ^{F2}(ba)
 - (d) every person employed by or for the purposes of a police force;
 - ^{F3}(da) the Police Investigations and Review Commissioner and every member of the Commissioner's staff;]
 - (e) every person required for the purposes of section 11 to provide assistance with giving effect to an interception warrant;
 - (f) every person on whom an obligation to take any steps has been imposed under section 12;
 - (g) every person by or to whom an authorisation under section 22(3) [^{F4}or (3B)] has been granted;
 - (h) every person to whom a notice under section 22(4) has been given;
 - (i) every person by whom, or on whose application, there has been granted or given any authorisation under Part II of this Act or under Part III of the ^{M1}Police Act 1997;
 - (j) every person who holds or has held any office, rank or position with the same public authority as a person falling within paragraph (i);
 - (k) every person who has engaged in any conduct with the authority of an authorisation under section 22 or Part II of this Act or under Part III of the ^{M2}Police Act 1997;
 - (l) every person who holds or has held any office, rank or position with a public authority for whose benefit any such authorisation has been or may be given;
 - (m) every person to whom a notice under section 49 has been given; and
 - (n) every person who is or has been employed for the purposes of any business of a person falling within paragraph (e), (f), (h) or (m).

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- (8) In this section “relevant Commissioner” means the Interception of Communications Commissioner, the Intelligence Services Commissioner, the Investigatory Powers Commissioner for Northern Ireland or any Surveillance Commissioner or Assistant Surveillance Commissioner.

Textual Amendments

- F1** S. 68(7)(b) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 97](#); [S.I. 2013/1682](#), art. 3(v)
- F2** S. 68(7)(ba) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 33\(22\)\(a\)](#)
- F3** S. 68(7)(da) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 33\(22\)\(b\)](#)
- F4** Words in s. 68(7)(g) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 33\(22\)\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 68 applied (with modifications) by [1998 c. 47](#), s. 69B(2)(c)(ii) (as 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))
- C2** S. 68 modified (8.3.2018) by [The Investigatory Powers Act 2016 \(Commencement No. 4 and Transitional and Saving Provisions\) Regulations 2018 \(S.I. 2018/341\)](#), [reg. 7](#)

Commencement Information

- I1** S. 68 wholly in force at 1.10.2007; s. 68 not in force at Royal Assent see s. 83(2); s. 68 in force except s. 68(7)(g)(h)(m) and s. 68(7)(n) in respect of s. 68(7)(m) at 2.10.2000 by [S.I. 2000/2543](#), [art. 3](#); s. 68(7)(g)(h) in force at 5.1.2004 by [S.I. 2003/3140](#), [art. 2](#); s. 68(7)(m) in force and (n) in force for certain purposes at 1.10.2007 by [S.I. 2007/2196](#), [art. 2\(g\)](#)

Marginal Citations

- M1** [1997 c. 50](#).
- M2** [1997 c. 50](#).

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