



Investigatory Powers (Amendment) Act 2024

2024 CHAPTER 9

PART 5

MISCELLANEOUS

Exclusion of matters from legal proceedings etc: exceptions

28 Exclusion of matters from legal proceedings etc: exceptions

- (1) Schedule 3 to the Investigatory Powers Act 2016 (exceptions to section 56) is amended as follows.
- (2) After paragraph 12 insert—

“Proceedings relating to release of prisoners etc in England and Wales

12A (1) Section 56(1) does not apply in relation to—

- (a) any proceedings before the Parole Board, or
- (b) any proceedings arising out of such proceedings.

(2) But sub-paragraph (1) does not permit the disclosure of anything to—

- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
- (b) any person who—
 - (i) represents such a person for the purposes of the proceedings, and
 - (ii) does so otherwise than by virtue of appointment as a special advocate.”

- (3) After paragraph 24 insert—

“25 (1) Nothing in section 56(1) prohibits—

Status: This is the original version (as it was originally enacted).

- (a) a disclosure to a relevant coroner conducting an NI investigation or inquest, or
- (b) a disclosure to a qualified person—
 - (i) appointed as legal adviser to an inquest conducted by the coroner, or
 - (ii) employed under section 11(3) of the Coroners Act (Northern Ireland) 1959 (c. 15) (“the 1959 Act”) by a relevant coroner to assist the coroner in an investigation conducted by the coroner,

where, in the course of the investigation or inquest, the relevant coroner (“C”) has ordered the disclosure to be made to C alone or (as the case may be) to C and any qualified person appointed or employed by C as mentioned in paragraph (b).

- (2) A relevant coroner may order a disclosure under [sub-paragraph \(1\)](#) only if the coroner considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
- (3) In a case where a coroner (“C”) conducting, or who has been conducting, an NI investigation or inquest is not a relevant coroner, nothing in section 56(1) prohibits—
 - (a) a disclosure to C that there is intercepted material in existence which is, or may be, relevant to the investigation or inquest;
 - (b) a disclosure to a qualified person appointed by C as legal adviser to the inquest or employed by C under section 11(3) of the 1959 Act to assist C in the investigation, which is made for the purposes of determining—
 - (i) whether any intercepted material is, or may be, relevant to the investigation, and
 - (ii) if so, whether it is necessary for the material to be disclosed to the person conducting the investigation.
- (4) In [sub-paragraph \(3\)](#) “intercepted material” means—
 - (a) any content of an intercepted communication (within the meaning of section 56), or
 - (b) any secondary data obtained from a communication.
- (5) In this paragraph—
 - “the 1959 Act” has the meaning given by [sub-paragraph \(1\)](#);
 - “coroner” means a coroner appointed under section 2 of the 1959 Act;
 - “NI investigation or inquest” means an investigation under section 11(1) of the 1959 Act or an inquest under section 13 or 14 of that Act;
 - “qualified person” means a member of the Bar of Northern Ireland, or a solicitor of the Court of Judicature of Northern Ireland);
 - “relevant coroner” means a coroner who is a judge of the High Court or of a county court in Northern Ireland.

- 26 (1) Nothing in section 56(1) prohibits—

Status: This is the original version (as it was originally enacted).

- (a) a disclosure to a relevant person conducting an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (2016 asp 2) (“IFASDA 2016”), or
 - (b) a disclosure to a qualified person appointed under section 24 of that Act to assist a relevant person in the inquiry,

where, in the course of the inquiry, the person conducting the inquiry has ordered the disclosure to be made to that person alone or (as the case may be) to that person and any qualified person appointed to assist a relevant person in the inquiry.
- (2) A relevant person may order a disclosure under [sub-paragraph \(1\)](#) only if the person considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
- (3) Nothing in section 56(1) prohibits—
 - (a) a disclosure to a relevant person conducting an inquiry under IFASDA 2016, or
 - (b) a disclosure to a qualified person appointed under section 24 of that Act to assist a relevant person in the inquiry,

that there is intercepted material in existence which is, or may be, relevant to the inquiry.
- (4) In [sub-paragraph \(3\)](#) “intercepted material” means—
 - (a) any content of an intercepted communication (within the meaning of section 56), or
 - (b) any secondary data obtained from a communication.
- (5) In this paragraph “relevant person” means—
 - (a) a sheriff principal,
 - (b) a temporary sheriff principal, or
 - (c) a sheriff or part-time sheriff (but not a summary sheriff or part-time summary sheriff) designated as a specialist under section 37(1) or (3) of IFASDA 2016.
- (6) In this paragraph “qualified person” means an advocate or solicitor; and “advocate” and “solicitor” have the same meaning as in IFASDA 2016 (see section 40 of that Act).”