

News story: Investigatory Powers Tribunal appeals route introduced

From today, judgments made by the Investigatory Powers Tribunal can be appealed in certain circumstances.

The Rules of the Investigatory Powers Tribunal have been updated to reflect this.

They have also been revised to reflect the evolution of practice and procedures in the Tribunal since they were written in 2000.

This follows a public consultation that was held on the rules in November 2017.

The Investigatory Powers Tribunal provides a right of redress for anyone who believes they have been the victim of unlawful action by a public authority improperly using covert investigative techniques.

It is also the appropriate forum to consider claims alleging the infringement of human rights which are brought against the security and intelligence agencies.

Security Minister Ben Wallace said:

The Investigatory Powers Tribunal plays a vital role in helping ensure the use of investigatory powers by law enforcement, our intelligence agencies and local authorities are properly authorised, necessary and proportionate.

The new appeal route will provide the ability to seek redress, assuring people of the stringent safeguards including those put in place by the Investigatory Powers Act.

The Investigatory Powers Act 2016 introduced a right of appeal for decisions and determinations of the tribunal on points of law that raise an important point of principle for practice, or if there is some other compelling reason for granting an appeal.

The appeal route will not operate retrospectively so it will not be possible to appeal judgments made before 31 December 2018.

Where permission to appeal is granted, appeals will be heard by the Court of Appeal in England and Wales or the Court of Session in Scotland.

The updated Rules, which set out the procedures that the Tribunal should follow, also include a non-exhaustive list of the functions of Counsel to the Tribunal and provisions regarding the disclosure of evidence.

The Investigatory Powers Act brought together powers already available to the security and intelligence agencies and law enforcement to obtain communications and data about communications. It ensures that these powers, and the safeguards that apply to them, are clear and understandable.

It radically overhauls the way these powers are authorised and overseen, including through the creation of a powerful new Investigatory Powers Commissioner to oversee how these powers are used. And it ensures the powers are fit for the digital age.