

Appeal Ref: 2017/0470

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
DIVISIONAL COURT (Sir Brian Leveson PQBD and Leggatt J)

BETWEEN:

**THE QUEEN on the application of
PRIVACY INTERNATIONAL**

Appellant

-and-

INVESTIGATORY POWERS TRIBUNAL

Respondent

-and-

**(1) SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS
(2) GOVERNMENT COMMUNICATIONS HEADQUARTERS**

Interested Parties

UPDATING NOTE FROM THE INTERESTED PARTIES

1. This short Note has been prepared to update the Court on matters which are addressed at §§9, 34-35 of the President's judgment in the Divisional Court. In particular, it provides an update on recent developments concerning the consultation issued by the Home Office in relation to changes to the IPT's procedural rules and the oversight regime by the Commissioners.
2. On 29 September 2017 the Home Office issued a consultation document containing the draft of new procedural rules for the IPT (see copies attached). The draft rules have been prepared to reflect the introduction in the Investigatory Powers Act 2016 of a domestic right of appeal from the decisions of the IPT, as well as to reflect changes in the IPT's practices since the 2000 Rules were introduced. At the same time as the Home Office launched the consultation, the President of the IPT issued a letter welcoming the consultation (see copy attached). Appended to that letter was the IPT's statistical report for 2016 (see copy attached). The consultation period ends on 10 November, following which any responses will be analysed and the draft rules revised as necessary. The draft

rules will then be laid before Parliament and it is anticipated they are likely to be approved later this year or early next year. As a result, the appeal rights under the 2016 Act are also expected to come into force at the same time as the updated rules.

3. On 1 September 2017 Fulford LJ commenced his statutory role as the Investigatory Powers Commissioner. His role replaced the oversight roles previously undertaken by the Chief Surveillance, Interception of Communications and Intelligence Services Commissioners, by establishing inspection and oversight functions in a single independent body. Lord Judge, formerly the Chief Surveillance Commissioner, and Sir Stanley Burnton, formerly the Interception of Communications Commissioner, stood down from office. Sir John Goldring, formerly the Intelligence Services Commissioner, took on a new role as Deputy Investigatory Powers Commissioner.

3 October 2017

**JAMES EADIE QC
KATE GRANGE QC**