

IN THE INVESTIGATORY POWERS TRIBUNAL

B E T W E E N :-

(1) PRIVACY INTERNATIONAL

(2) REPRIEVE

(3) COMMITTEE ON THE ADMINISTRATION OF JUSTICE

(4) PAT FINUCANE CENTRE

Claimants

- and -

(1) SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

(2) SECRETARY OF STATE FOR THE HOME DEPARTMENT

(3) GOVERNMENT COMMUNICATIONS HEADQUARTERS

(4) SECURITY SERVICE

(5) SECRET INTELLIGENCE SERVICE

Respondents

ORDER

UPON hearing Counsel for the Claimants, Respondents and Counsel to the Tribunal ("CtT") on 28 February 2019.

AND UPON the Respondents making an application for an extension of time for service of their re-amended pleading

IT IS ORDERED that the Directions contained in the order dated 28 February 2019 are hereby varied as follows:

IT IS ORDERED THAT:

Amended pleadings

1. The Respondents shall serve a re-amended response by 4pm on Tuesday 7 May 2019.

List of issues

2. Counsel to the parties and CtT shall meet to agree a list of OPEN issues and if necessary a list of CLOSED issues by 4pm Monday 20 May 2019. The list or lists of issues shall be provided to the Tribunal as soon as possible thereafter with an indication of any areas of disagreement.

Evidence

3. The Claimants shall file and serve any written evidence upon which they seek to rely by 4pm on Tuesday 28 May 2019.
4. The Respondents shall file and serve any OPEN and, if necessary, CLOSED written evidence upon which they seek to rely by 4pm Monday 17 June 2019.
5. The Claimants shall file and serve any reply evidence by 4pm on Monday 1 July 2019.

Disclosure Review by CtT

(a) The Schedule material and IPCO

6. By 4pm Thursday 7 March 2019, the Respondents shall provide the documents listed in the CLOSED Schedule to this Order (the "Schedule material") to the Tribunal and CtT in CLOSED
7. By 4pm Thursday 14 March 2019 CtT shall serve any requests for disclosure into OPEN of the material provided by IPCO on 25 February 2019 (the "IPCO material").
8. By 4pm Thursday 21 March 2019 CtT shall serve any requests for disclosure into OPEN of the Schedule material.

9. The Respondents shall respond in respect of the requests referred to at paragraphs 8 and 9 by 4 April 2019.
10. Thereafter, if necessary, the Respondents and CtT shall meet to discuss by 25 April 2019, and any disclosure into OPEN resulting from that meeting to be provided to the Claimants and to the Tribunal by 2 May 2019.

(b) Review of any CLOSED parts of the Response

11. The CtT shall serve a request for disclosure into OPEN of any CLOSED parts of the Amended Response by Monday 20 May 2019.
12. The Respondents shall respond in respect of the requests referred to at paragraph 12 by Tuesday 28 May 2019.
13. Thereafter, if necessary, the Respondents and CtT shall meet to discuss by Tuesday 4 June 2019, and any disclosure into OPEN resulting from that meeting to be provided to the Claimants and to the Tribunal by Monday 10 June 2019.

(c) Review of any CLOSED parts of the Respondents' evidence

14. The CtT shall serve a request for disclosure into OPEN of any CLOSED parts of the Respondent's evidence by Monday 24 June 2019.
15. The Respondents shall respond in respect of the requests referred to at paragraph 15 by Monday 8 July 2019.
16. Thereafter CtT and the Respondents to meet to discuss areas of disagreement with any disclosure into OPEN resulting from that meeting to be provided to the Claimants and Tribunal by 4pm Wednesday 17 July 2019.
17. The Tribunal to determine any matters of disagreement arising from the procedure in paragraphs 7 to 17 at the directions hearing on 25 July 2019.

Directions hearing

18. There shall be a directions hearing on 25 July 2019, with a time estimate of 1 day. At that hearing, the Tribunal will determine:

- a. any outstanding disputes about disclosure;
- b. consider the draft list of issues; and
- c. any other matters which require determination prior to the substantive hearing.

The parties are to notify the Tribunal as soon as possible if the directions hearing is not required.

Directions for substantive hearing

19. Counsel for the parties and the CtT to agree an index for the OPEN trial bundle by 4pm on Monday 7 October 2019.

20. The Claimants to serve the OPEN trial bundle by 4pm on Friday 11 October 2019.

21. The Respondents to serve the CLOSED trial bundle by 4pm on Monday 14 October 2019.

22. The Claimants shall file and serve a skeleton argument by 4pm on Friday 18 October 2019.

23. The Respondents shall file and serve an OPEN and CLOSED skeleton argument by 4pm on Friday 25 October 2019.

24. CtT shall file and serve submissions in OPEN and/or CLOSED as so advised by 4pm on Wednesday 30 October 2019.

25. The parties shall file a joint agreed bundle of authorities by 4pm on 30 October 2019.

26. The Claim shall be listed for a hearing, with a provisional time allowance of 5 days (to include reading time and time for the Tribunal to deliberate), in the week commencing 4 November 2019. The dates on which the parties will be required to attend will be determined by the Tribunal at the hearing on 25 July 2019.

Dated: 26 April 2019