

Bhatt Murphy Solicitors
Government Legal Department

Our ref: IPT/17/86 & 87/CH

Your ref: MPS/FBT/002295

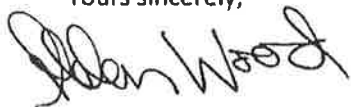
Date: 9th November 2017

Dear Sirs,

1. The Tribunal has considered the Statement of Grounds submitted and directs that it will, under Rule 9 of the Tribunal's procedural rules, decide the case on written submissions alone.
 2. Prior to determining the complaint the Tribunal considers that the following issues may arise:
 - (1) The logic of the Complainants' argument is that any person, without evidence belief or reasonable suspicion that he may have been subject to secret conduct of the agencies, and without knowledge of:
 - (a) the terms of the Third Direction, or
 - (b) whether the direction has been acted uponmay complain to the Tribunal. Does such a person have any standing under the ECHR principles set out at paragraphs 20 to 25 of the Statement of Grounds?
 - (2) On the assumption that a valid direction made under RIPA s. 59A (1) (a) can only be to enhance the supervision of the agencies, not to limit the statutory powers of the Commissioner, nor to authorise or sanction any secret conduct by the agencies [contrary to the assumption made at paragraph 94 of the Grounds], can it plausibly be argued that the making of the Third Direction has constituted or enabled any secret conduct of the agencies which might have infringed the rights of the complainants and, if so, how? If not, are the complaints frivolous or vexatious?
 - (3) In the absence of any application for judicial review of the decision of the Prime Minister to make or not to publish the Third Direction are these complaints frivolous or vexatious in seeking directions or relief which may require publication of the Third Direction?
 3. The Respondents should make concise submissions in writing on these issues by 1st December 2017.
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4. The Claimants should make concise submissions on these issues and in response by 11th December 2017.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Wood', written in a cursive style.

Helen Wood
Assistant Tribunal Secretary

