

## SCHEDULES

### SCHEDULE 1

Section 1(7)

#### THE INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT

##### *Tenure of office*

- 1 (1) Subject as follows, a person appointed as a member of the ISC during a Parliament holds office for the duration of that Parliament.
- (2) A member of the ISC vacates office if—
  - (a) the person ceases to be a member of the House of Parliament by virtue of which the person is a member of the ISC,
  - (b) the person becomes a Minister of the Crown, or
  - (c) a resolution for the person's removal is passed in the House of Parliament by virtue of which the person is a member of the ISC.
- (3) A member of the ISC may resign at any time by notice given to—
  - (a) the Chair of the ISC, or
  - (b) in the case of the member who is the Chair of the ISC, the Speaker of the House of Parliament by virtue of which the person is a member of the ISC.
- (4) A person who ceases to be a member of the ISC is eligible for reappointment.
- (5) Section 1(2) does not affect the validity of anything done between the occurrence of a vacancy and the vacancy being filled.
- (6) Anything which, immediately before the end of a Parliament, is in the process of being done or omitted to be done by or in relation to the ISC may be continued by or in relation to the ISC in the new Parliament.
- (7) Anything done or omitted to be done by or in relation to the ISC in a Parliament (or treated as so done or omitted) is, if in force or effective immediately before the end of that Parliament, to have effect as if done or omitted by or in relation to the ISC in the new Parliament so far as that is required for continuing its effect in that Parliament.

##### *Procedure*

- 2 (1) The ISC may determine its own procedure; but this is subject to sub-paragraphs (2) to (5).
- (2) If on any matter there is an equality of voting among the members of the ISC, the Chair of the ISC has a second or casting vote.
- (3) The Chair of the ISC may appoint another member of the ISC to act, in the Chair's absence, as the chair of the ISC at any meeting of it.
- (4) A person appointed under sub-paragraph (3) does not enjoy the right conferred on the Chair of the ISC by sub-paragraph (2).

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(5) The quorum of the ISC is three.

(6) The ISC may take evidence on oath, and for that purpose may administer oaths.

#### *Funding and other resources*

3 A Minister of the Crown—

- (a) may make payments to either House of Parliament in respect of any expenditure incurred, or to be incurred, by either House in relation to the ISC,
- (b) may provide staff, accommodation or other resources to either House of Parliament for the purposes of the ISC,
- (c) may make payments, or provide staff, accommodation or other resources, to the ISC, or
- (d) may otherwise make payments, or provide staff, accommodation or other resources, to any person for the purposes of the ISC.

#### *Access to information*

4 (1) This paragraph applies to information requested by the ISC in the exercise of its functions that—

- (a) does not relate to any particular operational matter, or
- (b) relates to a particular operational matter that the ISC is considering under section 2(3)(a) or (b).

(2) If the Director-General of the Security Service, the Chief of the Secret Intelligence Service or the Director of the Government Communications Headquarters is asked by the ISC to disclose the information, then, as to the whole or any part of the information which is sought, that person must either—

- (a) arrange for it to be made available to the ISC subject to and in accordance with a memorandum of understanding under section 2, or
- (b) inform the ISC that the information cannot be disclosed because the Secretary of State has decided that it should not be disclosed.

(3) If the ISC asks a government department or any part of a government department to disclose the information, then, as to the whole or any part of the information which is sought, the relevant Minister of the Crown must either—

- (a) arrange for it to be made available to the ISC subject to and in accordance with a memorandum of understanding under section 2, or
- (b) inform the ISC that the information cannot be disclosed because the Secretary of State has decided that it should not be disclosed.

(4) The Secretary of State may decide under sub-paragraph (2)(b) or (3)(b) that information should not be disclosed only if the Secretary of State considers that—

- (a) it is—
  - (i) sensitive information (as defined in paragraph 5), and
  - (ii) information which, in the interests of national security, should not be disclosed to the ISC, or
- (b) it is information of such a nature that, if the Secretary of State were requested to produce it before a Departmental Select Committee of the House of

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Commons, the Secretary of State would consider (on grounds which were not limited to national security) it proper not to do so.

- (5) In deciding for the purposes of sub-paragraph (4)(b) whether it would be proper not to disclose information, the Secretary of State must have regard to any guidance issued by a Minister of the Crown or a government department concerning the provision of evidence by civil servants to Select Committees.
- (6) The disclosure of information to the ISC in accordance with sub-paragraph (2) is to be regarded for the purposes of the Security Service Act 1989 or the Intelligence Services Act 1994 as necessary for the proper discharge of the functions of the Security Service, the Secret Intelligence Service or (as the case may be) the Government Communications Headquarters.
- (7) In this paragraph “relevant Minister of the Crown”, in relation to a request for information, means—
  - (a) such Minister of the Crown as is identified, for the purposes of requests of that description, in a memorandum of understanding under section 2, or
  - (b) if no Minister of the Crown is so identified, any Minister of the Crown.

#### *Sensitive information*

- 5 The following information is sensitive information for the purposes of paragraph 4(4)
  - (a)—
    - (i) information which might lead to the identification of, or provide details of, sources of information, other assistance or operational methods available to—
      - (i) the Security Service,
      - (ii) the Secret Intelligence Service,
      - (iii) the Government Communications Headquarters, or
      - (iv) any part of a government department, or any part of Her Majesty’s forces, which is engaged in intelligence or security activities,
    - (b) information about particular operations which have been, are being or are proposed to be undertaken in pursuance of any of the functions of the persons mentioned in paragraph (a)(i) to (iv),
    - (c) information provided by, or by an agency of, the Government of a country or territory outside the United Kingdom where that Government does not consent to the disclosure of the information.

#### *Publication of information received in private*

- 6 (1) This paragraph applies to information received by the ISC in private in connection with the exercise of its functions.
- (2) The ISC—
  - (a) may only publish the information by way of a report under section 3, and
  - (b) must not otherwise disclose the information to any person if the ISC considers that there is a risk that the person will publish it.
- (3) The restrictions on publication and disclosure of information in sub-paragraph (2) do not apply if—

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- (a) the ISC and the Prime Minister are satisfied that publication or disclosure would not be prejudicial to the continued discharge of the functions of the Security Service, the Secret Intelligence Service, the Government Communications Headquarters or any person carrying out activities falling within section 2(2),
- (b) publication or disclosure is necessary for the ISC to comply with any enactment or rule of law, or
- (c) the information has on an earlier occasion been disclosed to the public, in circumstances which do not contravene—
  - (i) sub-paragraph (2), or
  - (ii) any other enactment or rule of law prohibiting or restricting the disclosure of information.

*Protection for witnesses*

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- (1) Evidence given by a person who is a witness before the ISC may not be used in any civil or disciplinary proceedings, unless the evidence was given in bad faith.
  - (2) Evidence given by a person who is a witness before the ISC may not be used against the person in any criminal proceedings, unless the evidence was given in bad faith.