

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 6

REVIEW OF POWERS

- 62 (1) The Investigatory Powers Commissioner (“the Commissioner”) must—
- (a) keep under review the operation of the preceding provisions of this Schedule, and
 - (b) as soon as reasonably practicable after the end of each calendar year, make a report to the Secretary of State about the outcome of the review for that calendar year.
- (2) The Commissioner may, at any time, make any such report to the Secretary of State, on any matter relating to the function of the Commissioner under sub-paragraph (1) (a), as the Commissioner considers appropriate.
- (3) On receiving a report under this paragraph the Secretary of State must—
- (a) publish the report, and
 - (b) lay a copy of the published report before Parliament together with a statement as to whether any part of the report has been excluded from publication under sub-paragraph (4).
- (4) The Secretary of State may, after consultation with the Commissioner, exclude from publication any part of a report received under this paragraph if, in the opinion of the Secretary of State, the publication of that part would be contrary to the public interest or prejudicial to—
- (a) national security,
 - (b) the prevention or detection of crime,
 - (c) the economic well-being of the United Kingdom, or
 - (d) the continued discharge of the functions of any public authority whose activities include activities that are subject to review by the Commissioner.
- (5) Section 229(6) and (7) of the Investigatory Powers Act 2016 (duty not to act contrary to public interest etc) apply to the exercise of functions under this paragraph as they apply to the exercise of functions under that Act.
- (6) In section 231 of the Investigatory Powers Act 2016 (error reporting), the reference in subsection (9)(a) to any other enactment does not include this Schedule.
- (7) The duty in section 234(1) of the Investigatory Powers Act 2016 (annual and other reports) to make a report about the carrying out of functions does not apply in relation to the functions of the Commissioner under this Schedule.

Status: This is the original version (as it was originally enacted).

- (8) In this paragraph “public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.