UKSC 2018/0004

In The Supreme Court of the United Kingdom

ON APPEAL

FROM THE COURT OF APPEAL (CIVIL DIVISION)

FLOYD, SALES AND FLAUX LJJ

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

NOTE FROM THE INVESTIGATORY POWERS TRIBUNAL

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1. In the proceedings below, the Investigatory Powers Tribunal ("the Tribunal") submitted Notes to the Divisional Court[1] and to the Court of Appeal[2] in which it set out the Tribunal's history and statutory functions as well as the manner in which it performs its statutory functions. The Tribunal also filed copies of its reports for 2010[3], 2011-2015[4] and 2016[5]. The Tribunal's Notes referred to practical difficulties that might ensue should the court conclude that the Tribunal's decisions were amenable to judicial

[1] Pages 344-377 of the Appendix to the Statement of Facts and Issues
[2] Pages 128-149 of the Appendix to the Statement of Facts and Issues
[3] Pages 406-444 of the Appendix to the Statement of Facts and Issues
[4] Pages 445-495 of the Appendix to the Statement of Facts and Issues
[5] Pages 496-501 of the Appendix to the Statement of Facts and Issues

review. Since those Notes were filed the decision of the Supreme Court in *R (oao Haralambous) v Crown Court at St Albans and another* [2018] UKSC 1, [2018] AC 236 has potentially removed some of those practical difficulties.

2. Following the appointment by HM The Queen of Lord Justice Singh as the President of the Tribunal on 27 September 2018, the Tribunal has considered carefully whether or not it should continue to play any role in the proceedings before the Supreme Court. As an independent judicial body it is appropriate that the Tribunal should be entirely neutral in relation to the issues in this appeal. Accordingly, the Tribunal has decided to play no further role in the proceedings. The Notes submitted in the proceedings below will be available and it is hoped that they will continue to be of some assistance.

3. For these reasons, the Tribunal will not be represented at the hearing. No discourtesy is intended thereby to the Court.

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31 October 2018