

## Media Release

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**Contact:**

Claudia Mansaray, Marketing Manager

E: [c.mansaray@biicl.org](mailto:c.mansaray@biicl.org)

T: +44 (0)20 7862 5435

Lawrence McNamara, Deputy Director Bingham Centre for the Rule of Law

E: [l.mcnamara@binghamcentre.biicl.org](mailto:l.mcnamara@binghamcentre.biicl.org)

T: +44 (0)7943 908 778

### Investigatory powers review – Independent Reviewer adopts Bingham Centre recommendations on judicial authorisation and surveillance oversight

A landmark report on surveillance powers by the Independent Reviewer of Terrorism Legislation has recommended significant changes to the UK legal framework governing their use, including a requirement that all interception warrants should be authorised by a judge and the establishment of a single oversight body to replace the existing patchwork system. These reforms were among the recommendations to the Review submitted by the Bingham Centre in November 2013.

Expressing his view that “warrants should be judicially authorised”, David Anderson QC stated that:

“Following the submission to the Review of the Bingham Centre for the Rule of Law ... I have suggested that the appropriate persons to perform this function would be senior serving or retired judges in their capacity as Judicial Commissioners” (paragraph 14.47)

The review also adopted a number of other recommendations put forward by the Bingham Centre, including the replacement of the existing oversight Commissioners with a single comprehensive oversight body, more clearly drafted legislation governing surveillance powers, greater scope for the oversight body to refer cases to the Investigatory Powers Tribunal, and the introduction of a right of appeal from the Tribunal on points of law.

The lead author on the Bingham Centre’s submission was Dr Eric Metcalfe, a barrister at Monckton Chambers and a Fellow of the Bingham Centre. Dr Metcalfe said:

“A warrant granted by a judge is a basic safeguard against excessive surveillance. We are therefore pleased to see that the Review has adopted our recommendation that interception of communications should in future be made by judges rather than politicians. While we do not agree with all of its conclusions, the Review makes clear that respect for human rights and the rule of law are core principles in the overhaul of surveillance powers.”

**'continued'**

Sir Jeffrey Jowell QC, Director of the Bingham Centre for the Rule of Law said:

"Just as the investigatory powers of the state are of vital importance to national security, it is fundamental to the rule of law that those powers are not without limits and that there are safeguards that protect against their excessive and inappropriate use. I am delighted that the Independent Reviewer's report takes forward some of the recommendations made by the Bingham Centre for the Rule of Law and hope that in due course parliament will do the same."

**ENDS**

**FOR MORE INFORMATION PLEASE CONTACT:**

Lawrence McNamara, Deputy Director Bingham Centre for the Rule of Law  
E: [l.mcnamara@binghamcentre.biicl.org](mailto:l.mcnamara@binghamcentre.biicl.org) T: +44 (0)7943 908 778

**NOTES TO EDITORS:**

1. **The Bingham Centre for the Rule of Law** was launched in December 2010 to honour the work and career of Lord Bingham of Cornhill, a great judge and passionate advocate of the rule of law. It is the only international centre of excellence solely dedicated to the study, promotion and enhancement of the rule of law worldwide. It does this by:
  - Defining the rule of law as a universal and practical concept
  - Highlighting threats to the rule of law
  - Promoting high quality studies and training and supporting capacity-building on the rule of law
  - Demonstrating how the rule of law upholds respect for human dignity and enhances economic development and political stability.

The London-based independent research institute, is a constituent part of the British Institute of International and Comparative Law (BIICL), the foremost independent research and discussion body of its kind in the UK. (Registered Charity No. 209425, Company Registration 615025).

2. The Investigatory Powers Review was carried out under the Data Retention and Investigatory Powers Act 2014, section 7 of which requires the Prime Minister to lay a copy of David Anderson's report before Parliament once completed. The Review is expected to form the basis for parliamentary debate on legislation to replace the Regulation of Investigatory Powers Act 2000, to be introduced later in 2015.
3. A copy of the Bingham Centre's submissions to the Investigatory Powers Review can be found at:  
[http://www.biicl.org/documents/399\\_bingham\\_centre\\_submission\\_to\\_investigatory\\_powers\\_review\\_final\\_2014-11-19.pdf](http://www.biicl.org/documents/399_bingham_centre_submission_to_investigatory_powers_review_final_2014-11-19.pdf).