

THE RIGHT HONOURABLE LORD JUSTICE SINGH
PRESIDENT OF THE INVESTIGATORY POWERS TRIBUNAL

Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner
(by email only)

30 July 2025

Dear Sir Brian

Beth v Security Service (IPT-22-10-CH)

This letter is being sent pursuant to s. 68(2) of the Regulation of Investigatory Powers Act 2000 (“RIPA”) and s.232 (1) of the Investigatory Powers Act 2016. I attach the judgment of the Investigatory Powers Tribunal given today in the case of *Beth v Security Service* [2025] UKIPTrib 8. As that judgment mentions, at para 91(2), for the reasons set out at paras 58-76, the Tribunal has concluded, as did the Divisional Court on 2 July 2025, that, before it can decide whether there may have been a contempt of court, it should ask your office to investigate how false evidence came to be placed before it.

On behalf of the Tribunal I formally request your assistance, as Investigatory Powers Commissioner, to undertake investigation into the following issues in particular:

- a. In responding to Beth’s claim, and in responding to the queries from IPCO, to what extent, and by whom specifically, was consideration given to whether Witness A’s witness statement dated 26 January 2022 served in the BBC injunction proceedings (“the statement”) remained accurate?
- b. If no such consideration was given to whether the statement remained accurate, did anyone (and if so who) turn their mind to whether such consideration needed to be given? If not, why not?
- c. Was the duty of candour and/or the duty of cooperation to the Tribunal contained in s. 68(6) of RIPA and in case law ever explained to Witness A and/or those on whose knowledge he relied (such as Officer 2 or Officer 3)? If so, when and by whom? If not, why not?

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d. In respect of the CLOSED witness statement of Witness A dated 20 December 2023, what was the decision-making process behind: (i) the account given of the IPCO inspection process, and (ii) the failure to draw the Tribunal's attention to the fact that X had consented to his CHIS status being disclosed to a BBC journalist?

e. What was the decision-making process behind the decision not to disclose relevant policies in relation to NCND (including the three policies referred to in Sir Jonathan Jones KC's report) both in responding to Beth's claim and in preparation for the hearing on 9 May 2024? Without prejudice to the generality of the above:

- i. Did lawyers ask the Respondent for any relevant policies?
- ii. If so, were they provided?
- iii. If so, why were they not disclosed?

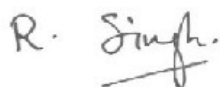
As the Tribunal's judgment states, at para 75, it is important not to be too prescriptive about this request and the above is not intended to be an exhaustive list of the questions which your office may consider it necessary and appropriate to explore.

While Counsel to the Tribunal in the case do not think that the CLOSED material gives rise to additional or further issues for the investigator to consider (beyond those identified in OPEN above) I agree with them that the investigation will need to have regard to all of the relevant material, including that which remains in CLOSED.

I would be content for the investigation which I am requesting to form part of the one which I understand you will be undertaking pursuant to a direction made by the Prime Minister under section 230 of the Investigatory Powers Act 2016. I look forward to hearing from you with the results of your investigation. I would be grateful for an update by 3 October 2025, which is the date when the Divisional Court has also asked for an update.

If you require any further information please contact the Head of my Secretariat.

Yours sincerely,



Sir Rabinder Singh