Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

VALID FROM 17/06/2011

[F1SCHEDULE A1

MONETARY PENALTY NOTICES IN RELATION TO CERTAIN UNLAWFUL INTERCEPTIONS

Textual Amendments

F1 Sch. A1 inserted (17.6.2011) by The Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011 (S.I. 2011/1340), **regs. 1(2)**, 2(4) {Sch.}

. . . . . .

SCHEDULE 1

Section 30.

RELEVANT PUBLIC AUTHORITIES

PART I

RELEVANT AUTHORITIES FOR THE PURPOSES OF SS. 28 AND 29

Police forces etc.

1 Any police force.

[F2[F3]1A The Civil Nuclear Constabulary.]]

Textual Amendments

F2 Sch. 1 para. 1A inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(2)**

F3 Sch. 1 para. 1A substituted (1.4.2005) by Energy Act 2004 (c. 20), ss. 69, 198(2), **Sch. 14 para. 8(2)**; S.I. 2005/877, **art. 2(1)**, Sch. 1

[F4]2 The Serious Organised Crime Agency.]

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F4 Sch. 1 para. 2 substituted (1.4.2006) for Sch. 1 paras. 2, 3 by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 155**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

[[F5]2A The Scottish Crime and Drug Enforcement Agency]

Textual Amendments

F5 Sch 1 para. 2A inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(18)**

3 . . . . . .

4 The Serious Fraud Office.

[[F7]4A [F8]. . . . . .

Textual Amendments

F7 Sch. 1 paras. 4A, 4B added (5.5.2005) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2005 (S.I. 2005/1084), arts. 1(2), **2(1)** (subject to art. 1(3))

F8 Sch. 1 para. 4A omitted (6.4.2010) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(2)(a)** (with art. 9)

4B The force comprising the constables appointed under article 3 of the Mersey Docks and Harbour (Police) Order 1975 [M3] on the nomination of the Mersey Docks and Harbour Company.]

Textual Amendments

F7 Sch. 1 paras. 4A, 4B added (5.5.2005) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2005 (S.I. 2005/1084), arts. 1(2), **2(1)** (subject to art. 1(3))

Marginal Citations

M3 S.I. 1975/1224.

The intelligence services

5 Any of the intelligence services.

The armed forces

6 Any of Her Majesty's forces.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F9 Revenue and Customs]

Textual Amendments

F9 Sch. 1 para. 7 and cross-heading substituted for Sch. 1 paras. 7, 8 and cross-heading (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 28**; S.I. 2008/219, **art. 2(b)**

[F10 7 Her Majesty's Revenue and Customs.]

Textual Amendments

F10 Sch. 1 para. 7 and cross-heading substituted (15.2.2008) for Sch. 1 paras. 7, 8 and cross-heading by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 28**; S.I. 2008/219, **art. 2(b)**

8 . . . . . .

Government departments

F12 9 . . . . . .

Textual Amendments

F12 Sch. 1 Pt. I: by S.I. 2002/794, art. 5(1)(2), Sch. 1 para. 39, **Sch. 2** (with arts. 5(3), 6) it is provided (27.3.2002) that the entry relating to the "Ministry of Agriculture, Fisheries and Food" is repealed and the words "The Department for Environment, Food and Rural Affairs" inserted at the appropriate place

F13 9ZA . . . . . .

Textual Amendments

F13 Sch. 1 para. 9ZA omitted (13.11.2009) by virtue of The Secretary of State for Business, Innovation and Skills Order 2009 (S.I. 2009/2748), art. 8, **Sch. para. 6(b)** (with art. 7)

[F14 9ZB The Department for Business, Innovation and Skills.]

Textual Amendments

F14 Sch. 1 para. 9ZB inserted (13.11.2009) by The Secretary of State for Business, Innovation and Skills Order 2009 (S.I. 2009/2748), art. 8, **Sch. para. 6(a)** (with art. 7)

[F15 9A The Department for Communities and Local Government]

Textual Amendments

F15 Sch. 1 para. 9A inserted (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), arts. 1(2), 9, **Sch. para. 7**

F16 10 . . . . . .

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F16 Sch. 1 para. 10 omitted (6.4.2010) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(2)(b)** (with art. 9)

[[F17]The Office of the Deputy Prime Minister.**]**

Textual Amendments

F17 Sch. 1 Pt. I: by S.I. 2002/2626, art. 20, **Sch. 2 para. 24(a)(b)** it is provided (25.11.2002) that the entry relating to the "Department for Transport, Local Government and the Regions" is repealed, and the words "The Department for Transport" and "the Office of the Deputy Prime Minister" inserted at the appropriate place

[[F18]The Department of Energy and Climate Change.**]**

Textual Amendments

F18 Sch. 1: entry inserted (5.3.2009) by virtue of The Secretary of State for Energy and Climate Change Order 2009 (S.I. 2009/229), art. 9, **Sch. 2 para. 3**

[[F12]The Department for Environment, Food and Rural Affairs.**]**

[F19]11 . . . . . .

Textual Amendments

F19 Sch. 1 Pt. 1: by S.I. 2001/2568, Sch. para. 18 it is provided that the entry relating to the "Department of Environment, Transport and the Regions" is repealed and the words "The Department for Transport, Local Government and the Regions" inserted at the appropriate place

12 The Department of Health.

13 The Home Office.

[[F20]13ZA The Ministry of Justice**]**

Textual Amendments

F20 Sch. 1 para. 13ZA inserted (22.8.2007) by The Secretary of State for Justice Order 2007 (S.I. 2007/2128), arts. 1(2), 8, **Sch. para. 7**

[[F21]13A The Northern Ireland Office.**]**

Textual Amendments

F21 Sch. 1 Pt. 1 para. 13A inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(3)**

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F22]14 . . . . . .

Textual Amendments

F22 Sch. 1 Pt. 1: by S.I. 2002/1397, art. 12, **Sch. para. 16** it is provided (27.6.2002) that the entry relating to the Department of Social Security is repealed and the words "The Department for Work and Pensions" inserted at the appropriate place

[F23]15 . . . . . .

Textual Amendments

F23 Sch. 1: entry for the "Department of Trade and Industry" omitted (12.12.2007) by virtue of The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007 (S.I. 2007/3224), arts. 1(2), 15, **Sch. para. 9(b)**

[[F17]The Department for Transport.**]**

[F17] . . . . . .

[F24] . . . . . .

Textual Amendments

F24 By The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), **art. 2(2)(c)** (with art. 9) it is provided (6.4.2010) that, in Pt. 1 of Sch. 1, "para. 15B (the Department for Work and Pensions)" is omitted.

[**[F25]*The Welsh Assembly Government]***

Textual Amendments

F25 Sch. 1 para. 16 and cross-heading substituted (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 76(3)**

[[F26]16 The Welsh Assembly Government.**]**

Textual Amendments

F26 Sch. 1 para. 16 and cross-heading substituted (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 76(3)**

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Local authorities

[[F27]17 Any county council or district council in England, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, and any county council or county borough council in Wales.**]**

Textual Amendments

F27 Sch. 1 Pt. 1 para. 17 substituted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(4)**

[[F28]**[**[F29]17A Any fire and rescue authority under the Fire and Rescue Services Act 2004 [M4].**]]**

Textual Amendments

F28 Sch. 1 Pt. 1 para. 17A inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(5)**

F29 Sch. 1 para. 17A substituted (6.4.2010) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(3)** (with art. 9)

Marginal Citations

M4 2004 c.21.

Other bodies

[[F30]17B The Charity Commission.**]**

Textual Amendments

F30 Sch. 1 Pt. 1 para. 17B inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(6)**

18 The Environment Agency.

19 The Financial Services Authority.

20 The Food Standards Agency.

[[F31]20A **[**[F32]Gambling Commission**]**

Textual Amendments

F31 Sch. 1 Pt. 1 paras. 20A-20D inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(7)**

F32 Words in Sch. 1 para. 20A substituted (1.10.2005) by Gambling Act 2005 (c. 19), ss. 356, 358, **Sch. 16 para. 14** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, **art. 2(1)**, Sch.

20B The Office of Fair Trading.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F31 Sch. 1 Pt. 1 paras. 20A-20D inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(7)**

20C The Office of the Police Ombudsman for Northern Ireland.

Textual Amendments

F31 Sch. 1 Pt. 1 paras. 20A-20D inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(7)**

20D [F33]. . . . . .]

Textual Amendments

F31 Sch. 1 Pt. 1 paras. 20A-20D inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 2(7)**

F33 Sch. 1 para. 20D omitted (6.4.2010) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(2)(d)** (with art. 9)

[[F34]20E The Gangmasters Licensing Authority.

Textual Amendments

F34 Sch. 1 paras. 20E, 20F inserted (26.7.2006) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2006 (S.I. 2006/1874), arts. 1, **2**

[[F35]20F The Care Quality Commission.]]

Textual Amendments

F34 Sch. 1 paras. 20E, 20F inserted (26.7.2006) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2006 (S.I. 2006/1874), arts. 1, **2**

F35 Sch. 1 para. 20F substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 72**; S.I. 2009/462, **art. 2**, Sch. 1 para. 35(x)

[[F36]20G The Health and Safety Executive.]

Textual Amendments

F36 Sch. 1 para. 20G inserted (6.4.2010) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(4)** (with art. 9)

[F37]21 . . . . . .

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F37 Sch. 1 para. 21 repealed (15.11.2001) by S.I. 2001/3686, **art. 6(17)(b)**

22 [F38] . . . . . .

Textual Amendments

F38 Sch. 1 para. 22 repealed (3.7.2002) by S.I. 2002/1555, **art. 26**

23 [F39] . . . . . .

Textual Amendments

F39 Sch. 1 para. 23 omitted (6.4.2010) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(2)(e)** (with art. 9)

[[F40]23A The Office of Communications.**]**

Textual Amendments

F40 Sch. 1 para. 23A inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 161(3)** (with transitional provisions in Sch. 18); S.I. 2003/3142, **art. 3(1)** Sch. 1 {subject to art. 3(3)}

[Northern Ireland authorities

Extent Information

E1 Sch. 1 Pt. 1 paras. 23A-23D and heading 'Northern Ireland authorities' inserted (2.7.2002) by Regulation of Investigatory Powers Act 2000 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/183), arts. 1, **3**

23A The Department of Agriculture and Rural Development.

23B The Department of Enterprise, Trade and Investment.

23C The Department of the Environment.

23D Any district council (within the meaning of section 44 of the Interpretation Act (Northern Ireland) 1954 [M5]).

Marginal Citations

M5 1954 c. 33 (N.I.)

[[F41]23E The Department of Justice.**]]**

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F41 Sch. 1 para. 23E inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(1), **Sch. 4 para. 26** (with arts. 28-31)

PART II

RELEVANT AUTHORITIES FOR THE PURPOSES ONLY OF S. 28

The Health and Safety Executive

24 [F42] . . . . . .

Textual Amendments

F42 Sch. 1 para. 24 omitted (6.4.2010) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(5)** (with art. 9)

NHS bodies in England and Wales

25 [F43] . . . . . .

Textual Amendments

F43 Sch. 1 Pt. 1 para. 25 omitted (5.5.2005) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2005 (S.I. 2005/1084), arts. 1(2), **2(2)** (subject to art. 1(3))

26 A Special Health Authority established under **[**[F44]section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006**]** .

Textual Amendments

F44 Words in Sch. 1 para. 26 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 209(a)** (with Sch. 3 Pt. 1)

27 [F45] . . . . . .

Textual Amendments

F45 Sch. 1 para. 27 omitted (26.7.2006) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2006 (S.I. 2006/1874), **art. 3(a)**

[[F46]27A [F47] . . . . . .**]**

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F46 Sch. 1 paras. 27A-27D and cross-headings inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 3(2)**

F47 Sch. 1 para. 27A omitted (26.7.2006) by virtue of The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2006 (S.I. 2006/1874), **art. 3(b)**

[F48[F49HM Chief Inspector of Education, Children's Services and Skills]

Textual Amendments

F48 Sch. 1 paras. 27A-27D and cross-headings inserted (5.1.2004) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (S.I. 2003/3171), **art. 3(2)**

F49 Sch. 1 Pt. 2 para. 27B and cross-heading substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 68**; S.I. 2007/935, **art. 5(gg)**

[F50 27B Her Majesty's Chief Inspector of Education, Children's Services and Skills.]

Textual Amendments

F50 Sch. 1 Pt. 2 para. 27B and cross-heading substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 68**; S.I. 2007/935, **art. 5(gg)**

The Information Commissioner

27C The Information Commissioner.

F51 . . .

Textual Amendments

F51 Sch. 1 para. 27D and cross-heading "The Royal Parks Constabulary" repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 10, **Sch. 17**; S.I. 2006/1085, **art. 2(b)(d)(i)**

27D F52 . . . . . .]

Textual Amendments

F52 Sch. 1 para. 27D and cross-heading "The Royal Parks Constabulary" repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 10, **Sch. 17**; S.I. 2006/1085, **art. 2(b)(d)(i)**

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Royal Pharmaceutical Society of Great Britain

28 The Royal Pharmaceutical Society of Great Britain.

[F53 The Child Maintenance and Enforcement Commission

Textual Amendments

F53 Sch. 1 paras. 28A-28E and cross-headings inserted (6.4.2010) by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521), arts. 1(1), **2(6)** (with art. 9)

28A The Child Maintenance and Enforcement Commission.

Special constables nominated by the Dover Harbour Board

28B The force comprising the special constables appointed under section 79 of the Harbours, Docks and Piers Clauses Act 1847 on the nomination of the Dover Harbour Board.

The Department for Work and Pensions

28C The Department for Work and Pensions.

The Postal Services Commission

28D The Postal Services Commission

Universal service providers]

28E A universal service provider (within the meaning of the Postal Services Act 2000) acting in connection with the provision of a universal postal service (within the meaning of that Act).

[F54 Northern Ireland authorities

Textual Amendments

F54 Sch. 1 Pt. 2 paras. 29-40 and heading 'Northern Ireland authorities' inserted (2.7.2002) by Regulation of Investigatory Powers Act 2000 (Amendment) Order (Northern Ireland) 2002 (SR 2002/183), arts. 1, {4}

29 The Department of Health, Social Services and Public Safety.

30 The Department for Regional Development.

31 The Department for Social Development.

32 The Department of Culture, Arts and Leisure.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

33 The Foyle, Carlingford and Irish Lights Commission.

34 The Fisheries Conservancy Board for Northern Ireland.

35 A Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 [M6].

Marginal Citations
M6 S.I. 1991/194 (N.I. 1)

36 A Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 [M7].

Marginal Citations
M7 S.I. 1972/1265 (N.I. 14)

37 The Health and Safety Executive for Northern Ireland.

38 The Northern Ireland Central Services Agency for the Health and Social Services.

39 The Fire Authority for Northern Ireland.

40 The Northern Ireland Housing Executive.**]**

SCHEDULE 2

Section 49.

PERSONS HAVING THE APPROPRIATE PERMISSION

Requirement that appropriate permission is granted by a judge

1 (1) Subject to the following provisions of this Schedule, a person has the appropriate permission in relation to any protected information if, and only if, written permission for the giving of section 49 notices in relation to that information has been granted—
(a) in England and Wales, by a Circuit judge;
(b) in Scotland, by a sheriff; or
(c) in Northern Ireland, by a county court judge.

(2) Nothing in paragraphs 2 to 5 of this Schedule providing for the manner in which a person may be granted the appropriate permission in relation to any protected information without a grant under this paragraph shall be construed as requiring any further permission to be obtained in a case in which permission has been granted under this paragraph.

Data obtained under warrant etc.

2 (1) This paragraph applies in the case of protected information falling within section 49(1)(a), (b) or (c) where the statutory power in question is one exercised, or to be exercised, in accordance with—
(a) a warrant issued by the Secretary of State or a person holding judicial office; or

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Changes to legislation: *Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) an authorisation under Part III of the [M8]Police Act 1997 (authorisation of otherwise unlawful action in respect of property).

(2) Subject to sub-paragraphs (3) to (5) and paragraph 6(1), a person has the appropriate permission in relation to that protected information (without any grant of permission under paragraph 1) if—

(a) the warrant or, as the case may be, the authorisation contained the relevant authority's permission for the giving of section 49 notices in relation to protected information to be obtained under the warrant or authorisation; or

(b) since the issue of the warrant or authorisation, written permission has been granted by the relevant authority for the giving of such notices in relation to protected information obtained under the warrant or authorisation.

(3) Only persons holding office under the Crown, the police **[**[F55], SOCA**][**[F56], SCDEA**]** and **[**[F57]Her Majesty's Revenue and Customs**]** shall be capable of having the appropriate permission in relation to protected information obtained, or to be obtained, under a warrant issued by the Secretary of State.

(4) Only a person who—

(a) was entitled to exercise the power conferred by the warrant, or

(b) is of the description of persons on whom the power conferred by the warrant was, or could have been, conferred,

shall be capable of having the appropriate permission in relation to protected information obtained, or to be obtained, under a warrant issued by a person holding judicial office.

(5) Only the police **[**[F58], SOCA**][**[F56], SCDEA**]** and **[**[F57]Her Majesty's Revenue and Customs**]** shall be capable of having the appropriate permission in relation to protected information obtained, or to be obtained, under an authorisation under Part III of the [M9]Police Act 1997.

(6) In this paragraph "the relevant authority"—

(a) in relation to a warrant issued by the Secretary of State, means the Secretary of State;

(b) in relation to a warrant issued by a person holding judicial office, means any person holding any judicial office that would have entitled him to issue the warrant; and

(c) in relation to protected information obtained under an authorisation under Part III of the [M10]Police Act 1997, means (subject to sub-paragraph (7)) an authorising officer within the meaning of section 93 of that Act.

(7) Section 94 of the [M11]Police Act 1997 (power of other persons to grant authorisations in urgent cases) shall apply in relation to—

(a) an application for permission for the giving of section 49 notices in relation to protected information obtained, or to be obtained, under an authorisation under Part III of that Act, and

(b) the powers of any authorising officer (within the meaning of section 93 of that Act) to grant such a permission,

as it applies in relation to an application for an authorisation under section 93 of that Act and the powers of such an officer under that section.

(8) References in this paragraph to a person holding judicial office are references to—

Status: *Point in time view as at 12/04/2010.*
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(a) any judge of the Crown Court or of the High Court of Justiciary;
(b) any sheriff;
(c) any justice of the peace;
(d) any resident magistrate in Northern Ireland; or
(e) any person holding any such judicial office as entitles him to exercise the jurisdiction of a judge of the Crown Court or of a justice of the peace.

(9) Protected information that comes into a person's possession by means of the exercise of any statutory power which—
(a) is exercisable without a warrant, but
(b) is so exercisable in the course of, or in connection with, the exercise of another statutory power for which a warrant is required,

shall not be taken, by reason only of the warrant required for the exercise of the power mentioned in paragraph (b), to be information in the case of which this paragraph applies.

Textual Amendments

F55 Words in Sch. 2 para. 2(3) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 156(2)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F56 Words in Sch. 2 para. 2(3)(5) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(19)(a)**

F57 Words in Sch. 2 para. 2(3)(5) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(1)**; S.I. 2008/219, **art. 2(b)**

F58 Words in Sch. 2 para. 2(5) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 156(2)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C1 Sch. 2 para. 2(3) restricted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 16, 17, 53(1), **Sch. 2 Pt. 1 para. 11(2)(c)**; S.I. 2005/1126, **art. 2(2)(d)**

Marginal Citations

M8 1997 c. 50.
M9 1997 c. 50.
M10 1997 c. 50.
M11 1997 c. 50.

Data obtained by the intelligence services under statute but without a warrant

3 (1) This paragraph applies in the case of protected information falling within section 49(1)(a), (b) or (c) which—
(a) has come into the possession of any of the intelligence services or is likely to do so; and
(b) is not information in the case of which paragraph 2 applies.

(2) Subject to paragraph 6(1), a person has the appropriate permission in relation to that protected information (without any grant of permission under paragraph 1) if written permission for the giving of section 49 notices in relation to that information has been granted by the Secretary of State.

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(3) Sub-paragraph (2) applies where the protected information is in the possession, or (as the case may be) is likely to come into the possession, of both—

(a) one or more of the intelligence services, and

(b) a public authority which is not one of the intelligence services,

as if a grant of permission under paragraph 1 were unnecessary only where the application to the Secretary of State for permission under that sub-paragraph is made by or on behalf of a member of one of the intelligence services.

Data obtained under statute by other persons but without a warrant

4 (1) This paragraph applies—

(a) in the case of protected information falling within section 49(1)(a), (b) or (c) which is not information in the case of which paragraph 2 or 3 applies; and

(b) in the case of protected information falling within section 49(1)(d) which is not information also falling within section 49(1)(a), (b) or (c) in the case of which paragraph 3 applies.

(2) Subject to paragraph 6, where—

(a) the statutory power was exercised, or is likely to be exercised, by the police, **[**[F59]SOCA,**][**[F60]SCDEA,**][**[F61]Her Majesty's Revenue and Customs**]** or a member of Her Majesty's forces, or

(b) the information was provided or disclosed, or is likely to be provided or disclosed, to the police, **[**[F59]SOCA,**][**[F60]SCDEA,**][**[F61]Her Majesty's Revenue and Customs**]** or a member of Her Majesty's forces, or

(c) the information is in the possession of, or is likely to come into the possession of, the police, **[**[F59]SOCA,**][**[F60]SCDEA,**][**[F61]Her Majesty's Revenue and Customs**]** or a member of Her Majesty's forces,

the police, **[**[F59]SOCA,**][**[F60]SCDEA,**][**[F61]Her Majesty's Revenue and Customs**]** or, as the case may be, members of Her Majesty's forces have the appropriate permission in relation to the protected information, without any grant of permission under paragraph 1.

(3) In any other case a person shall not have the appropriate permission by virtue of a grant of permission under paragraph 1 unless he is a person falling within sub-paragraph (4).

(4) A person falls within this sub-paragraph if, as the case may be—

(a) he is the person who exercised the statutory power or is of the description of persons who would have been entitled to exercise it;

(b) he is the person to whom the protected information was provided or disclosed, or is of a description of person the provision or disclosure of the information to whom would have discharged the statutory duty; or

(c) he is a person who is likely to be a person falling within paragraph (a) or (b) when the power is exercised or the protected information provided or disclosed.

Textual Amendments

F59 Words in Sch. 2 para. 4(2) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 156(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

Status: *Point in time view as at 12/04/2010.*
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F60 Words in Sch. 2 para. 4(2) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(19)(b)**

F61 Words in Sch. 2 para. 4(2) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(1)**; S.I. 2008/219, **art. 2(b)**

Modifications etc. (not altering text)

C2 Sch. 2 para. 4(2) restricted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 16, 17, 53(1), **Sch. 2 Pt. 1 para. 11(2)(c)**; S.I. 2005/1126, **art. 2(2)(d)**

Data obtained without the exercise of statutory powers

5 (1) This paragraph applies in the case of protected information falling within section 49(1)(e).

(2) Subject to paragraph 6, a person has the appropriate permission in relation to that protected information (without any grant of permission under paragraph 1) if—

(a) the information is in the possession of any of the intelligence services, or is likely to come into the possession of any of those services; and

(b) written permission for the giving of section 49 notices in relation to that information has been granted by the Secretary of State.

(3) Sub-paragraph (2) applies where the protected information is in the possession, or (as the case may be) is likely to come into the possession, of both—

(a) one or more of the intelligence services, and

(b) the police **[**[F62], SOCA**][**[F63], SCDEA**]** or **[**[F64]Her Majesty's Revenue and Customs**]** ,

as if a grant of permission under paragraph 1 were unnecessary only where the application to the Secretary of State for permission under that sub-paragraph is made by or on behalf of a member of one of the intelligence services.

Textual Amendments

F62 Words in Sch. 2 para. 5(3)(b) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 156(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F63 Word in Sch. 2 para. 5(3)(b) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(19)(c)**

F64 Words in Sch. 2 para. 5(3)(b) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(1)**; S.I. 2008/219, **art. 2(b)**

General requirements relating to the appropriate permission

6 (1) A person does not have the appropriate permission in relation to any protected information unless he is either—

(a) a person who has the protected information in his possession or is likely to obtain possession of it; or

(b) a person who is authorised (apart from this Act) to act on behalf of such a person.

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(2) Subject to sub-paragraph (3), a constable does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless—

(a) he is of or above the rank of superintendent; or

(b) permission to give a section 49 notice in relation to that information has been granted by a person holding the rank of superintendent, or any higher rank.

(3) In the case of protected information that has come into the police's possession by means of the exercise of powers conferred by—

(a) section 44 of the [M12]Terrorism Act 2000 (power to stop and search), or

(b) section 13A or 13B of the [M13]Prevention of Terrorism (Temporary Provisions) Act 1989 (which had effect for similar purposes before the coming into force of section 44 of the Terrorism Act 2000),

the permission required by sub-paragraph (2) shall not be granted by any person below the rank mentioned in section 44(4) of that Act of 2000 or, as the case may be, section 13A(1) of that Act of 1989.

[[F65](3A) A member of the staff of the Serious Organised Crime Agency does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless permission to give a section 49 notice in relation to that information has been granted—

(a) by the Director General; or

(b) by a member of the staff of the Agency of or above such level as the Director General may designate for the purposes of this sub-paragraph.**]**

[[F66](3B) A member of the Scottish Crime and Drug Enforcement Agency does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless–

(a) he is of or above the rank of superintendent; or

(b) permission to give a section 49 notice in relation to that information has been granted by the Director General of that Agency;**]**

(4) **[**[F67]An officer of Revenue and Customs**]** does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless permission to give a section 49 notice in relation to that information has been granted—

(a) by **[**[F68]the Commissioners for Her Majesty's Revenue and Customs**]** ; or

(b) by an officer of **[**[F69]Revenue and Customs**]** of or above such level as **[**[F70]the Commissioners**]** may designate for the purposes of this sub-paragraph.

(5) A member of Her Majesty's forces does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless—

(a) he is of or above the rank of lieutenant colonel or its equivalent; or

(b) permission to give a section 49 notice in relation to that information has been granted by a person holding the rank of lieutenant colonel or its equivalent, or by a person holding a rank higher than lieutenant colonel or its equivalent.

[[F71](6) In sub-paragraph (2) "constable" does not include a constable who is a member of the staff of the Serious Organised Crime Agency **[**[F72]or a constable who is a member of the Scottish Crime and Drug Enforcement Agency**]** .**]**

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Textual Amendments

F65 Sch. 2 para. 6(3A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 156(5)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F66 Sch. 2 para. 6(3B) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(19)(d)(i)**

F67 Words in Sch. 2 para. 6(4) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(2)(a)**; S.I. 2008/219, **art. 2(a)**

F68 Words in Sch. 2 para. 6(4) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(2)(a)**; S.I. 2008/219, **art. 2(b)**

F69 Words in Sch. 2 para. 6(4) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(2)(a)**; S.I. 2008/219, **art. 2(c)**

F70 Words in Sch. 2 para. 6(4) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 29(2)(a)**; S.I. 2008/219, **art. 2(d)**

F71 Sch. 2 para. 6(6) added (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 156(5)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F72 Words in Sch. 2 para. 6(6) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(19)(d)(ii)**

Modifications etc. (not altering text)

C3 Sch. 2 para. 6(3) modified (18.3.2011) by The Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), arts. 1, 5, **Sch. 2 para. 4**

Marginal Citations

M12 2000 c. 11.

M13 1989 c. 4.

Duration of permission

7 (1) A permission granted by any person under any provision of this Schedule shall not entitle any person to give a section 49 notice at any time after the permission has ceased to have effect.

(2) Such a permission, once granted, shall continue to have effect (notwithstanding the cancellation, expiry or other discharge of any warrant or authorisation in which it is contained or to which it relates) until such time (if any) as it—

(a) expires in accordance with any limitation on its duration that was contained in its terms; or

(b) is withdrawn by the person who granted it or by a person holding any office or other position that would have entitled him to grant it.

Formalities for permissions granted by the Secretary of State

8 A permission for the purposes of any provision of this Schedule shall not be granted by the Secretary of State except—

(a) under his hand; or

(b) in an urgent case in which the Secretary of State has expressly authorised the grant of the permission, under the hand of a senior official.

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SCHEDULE 3

Section 65.

THE TRIBUNAL

Membership of the Tribunal

1 (1) A person shall not be appointed as a member of the Tribunal unless he is—

(a) a person who holds or has held a high judicial office (within the meaning of **[**[F73]Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council**]**);

[[F74](b) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis;**]**

(c) an advocate or solicitor in Scotland of at least **[**[F75]seven**]** years' standing; or

(d) a member of the Bar of Northern Ireland or **[**[F76]solicitor of the Court of Judicature of Northern Ireland**]** of at least **[**[F75]seven**]** years' standing.

(2) Subject to the following provisions of this paragraph, the members of the Tribunal shall hold office during good behaviour.

(3) A member of the Tribunal shall vacate office at the end of the period of five years beginning with the day of his appointment, but shall be eligible for reappointment.

(4) A member of the Tribunal may be relieved of office by Her Majesty at his own request.

(5) A member of the Tribunal may be removed from office by Her Majesty on an Address presented to Her by both Houses of Parliament.

(6) If the Scottish Parliament passes a resolution calling for the removal of a member of the Tribunal, it shall be the duty of the Secretary of State to secure that a motion for the presentation of an Address to Her Majesty for the removal of that member, and the resolution of the Scottish Parliament, are considered by each House of Parliament.

Textual Amendments

F73 Words in Sch. 3 para. 1(1)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 30(2)**; S.I. 2009/1604, **art. 2(e)**

F74 Sch. 3 para. 1(1)(b) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 50, 148, **Sch. 10 para. 33(2)**; S.I. 2008/1653, **art. 2(d)**

F75 Words in Sch. 3 para. 1(1)(c)(d) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 50, 148, **Sch. 10 para. 33(3)**; S.I. 2008/1653, **art. 2(d)**

F76 Words in Sch. 3 para. 1(1)(d) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, **art. 2(d)**

President and Vice-President

2 (1) Her Majesty may by Letters Patent appoint as President or Vice-President of the Tribunal a person who is, or by virtue of those Letters will be, a member of the Tribunal.

(2) A person shall not be appointed President of the Tribunal unless he holds or has held a high judicial office (within the meaning of **[**[F77]Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council**]**).

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(3) If at any time—

(a) the President of the Tribunal is temporarily unable to carry out any functions conferred on him by this Schedule or any rules under section 69, or

(b) the office of President of the Tribunal is for the time being vacant,

the Vice-President shall carry out those functions.

(4) A person shall cease to be President or Vice-President of the Tribunal if he ceases to be a member of the Tribunal.

Textual Amendments

F77 Words in Sch. 3 para. 2(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 30(2)**; S.I. 2009/1604, **art. 2(e)**

Members of the Tribunal with special responsibilities

3 (1) The President of the Tribunal shall designate one or more members of the Tribunal as the member or members having responsibilities in relation to matters involving the intelligence services.

(2) It shall be the duty of the President of the Tribunal, in exercising any power conferred on him by rules under section 69 to allocate the members of the Tribunal who are to consider or hear any complaint, proceedings, reference or preliminary or incidental matter, to exercise that power in a case in which the complaint, proceedings or reference relates to, or to a matter involving—

(a) an allegation against any of the intelligence services or any member of any of those services, or

(b) conduct by or on behalf of any of those services or any member of any of those services,

in such manner as secures that the allocated members consist of, or include, one or more of the members for the time being designated under sub-paragraph (1).

Salaries and expenses

4 (1) The Secretary of State shall pay to the members of the Tribunal out of money provided by Parliament such remuneration and allowances as he may with the approval of the Treasury determine.

(2) Such expenses of the Tribunal as the Secretary of State may with the approval of the Treasury determine shall be defrayed by him out of money provided by Parliament.

Officers

5 (1) The Secretary of State may, after consultation with the Tribunal and with the approval of the Treasury as to numbers, provide the Tribunal with such officers as he thinks necessary for the proper discharge of their functions.

(2) The Tribunal may authorise any officer provided under this paragraph to obtain any documents or information on the Tribunal's behalf.

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Parliamentary disqualification

6 In Part II of Schedule 1 to the [M14]House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the [M15]Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted (at the appropriate places) the following entry—

"The Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000".

Marginal Citations
M14 1975 c. 24.
M15 1975 c. 25.

SCHEDULE 4

Section 82.

CONSEQUENTIAL AMENDMENTS

The Post Office Act 1953 (c. 36)

[F78]1 . . . . . .

Textual Amendments
F78 Sch. 4 para. 1 repealed (26.3.2001) by S. I. 2001/1149, art. 3(2), **Sch. 2** (with art. 4(11))

The Post Office Act 1969 (c. 48)

[F79]2 . . . . . .

Textual Amendments
F79 Sch. 4 para. 2 repealed (26.3.2001) by S. I. 2001/1149, art. 3(2), **Sch. 2** (with art. 4(11))

The Telecommunications Act 1984 (c. 12)

3 **[**[F80]In section 45 of the [M16]Telecommunications Act 1984 (offence of disclosing of messages and use of telecommunication system), for subsections (2) and (3) there shall be substituted—

"(2) Subsection (1) above does not apply to any disclosure made—

(a) in accordance with the order of any court or for the purposes of any criminal proceedings;

(b) in accordance with any warrant, authorisation or notice issued, granted or given under any provision of the Regulation of Investigatory Powers Act 2000;

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(c) in compliance with any requirement imposed (apart from that Act) in consequence of the exercise by any person of any statutory power exercisable by him for the purpose of obtaining any document or other information; or

(d) in pursuance of any duty under that Act of 2000, or under Part III of the [M17]Police Act 1997, to provide information or produce any document to the Interception of Communications Commissioner or to the tribunal established under section 65 of that Act of 2000.

(3) In subsection (2) above "criminal proceedings" and "statutory power" have the same meanings as in the Regulation of Investigatory Powers Act 2000."**]**

Textual Amendments

F80 Sch. 4 para. 3 repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1; S.I. 2003/3142, **art. 3(2)** (with art. 11)

Marginal Citations

M16 1984 c. 12.

M17 1997 c. 50.

The Security Service Act 1989 (c. 5)

4 (1) In section 1 of the [M18]Security Service Act 1989 (functions of the Security Service), after subsection (4) there shall be inserted—

"(5) Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of "prevention" and "detection"), so far as it relates to serious crime, shall apply for the purposes of this Act as it applies for the purposes of the provisions of that Act not contained in Chapter I of Part I."

(2) In section 2(2)(a) of that Act (duty of Director General to secure that information not disclosed except for authorised purposes), for "preventing or detecting" there shall be substituted " the prevention or detection of ".

Marginal Citations

M18 1989 c. 5.

The Official Secrets Act 1989 (c. 6)

5 In section 4(3)(a) of the [M19]Official Secrets Act 1989 (offence of disclosing interception information), after "1985" there shall be inserted " or under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000 ".

Marginal Citations

M19 1989 c. 6.

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The Intelligence Services Act 1994 (c. 13)

6 In section 11 of the [M20]Intelligence Services Act 1994 (interpretation), after subsection (1) there shall be inserted—

"(1A) Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of "prevention" and "detection"), so far as it relates to serious crime, shall apply for the purposes of this Act as it applies for the purposes of Chapter I of Part I of that Act."

Marginal Citations
M20 1994 c. 13.

The Criminal Procedure and Investigations Act 1996 (c. 25)

7 (1) In each of sections 3(7), 7(6), 8(6) and 9(9) of the [M21]Criminal Procedure and Investigations Act 1996 (exceptions for interceptions from obligations to make disclosures to the defence), for paragraphs (a) and (b) there shall be substituted " it is material the disclosure of which is prohibited by section 17 of the Regulation of Investigatory Powers Act 2000. "

(2) In section 23(6) of that Act (code of practice not to apply to material intercepted under the Interception of Communications Act 1985), after "1985" there shall be inserted " or under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000 ".

Marginal Citations
M21 1996 c. 25.

The Police Act 1997 (c. 50)

8 (1) In section 91(9) of the [M22]Police Act 1997 (staff for Surveillance Commissioners)—

(a) after "Chief Commissioner" there shall be inserted " and subject to the approval of the Treasury as to numbers "; and

(b) after "Commissioners" there shall be inserted " and any Assistant Surveillance Commissioners holding office under section 63 of the Regulation of Investigatory Powers Act 2000 ".

(2) In section 93(3) of that Act (persons who may make an application to an authorising officer within section 93(5))—

(a) in paragraph (a), for "(e)" there shall be substituted " (ea) or (ee) "; and

(b) after that paragraph there shall be inserted—

"(aa) if the authorising officer is within subsection (5)(eb) to (ed), by a member, as the case may be, of the Royal Navy Regulating Branch, the Royal Military Police or the Royal Air Force Police;".

(3) In section 94(1) of that Act (circumstances in which authorisations may be given in absence of authorising officer), in paragraph (b), for ", (f), (g) or (h)" there shall be substituted " or (f) ", and after that paragraph there shall be inserted "or

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(c) if the authorising officer is within paragraph (g) of section 93(5), it is also not reasonably practicable for the application to be considered either—

(i) by any other person designated for the purposes of that paragraph; or

(ii) by the designated deputy of the Director General of the National Crime Squad."

(4) In section 94(2) of that Act (persons who may act in absence of the authorising officer)—

(a) after paragraph (d), there shall be inserted—

"(da) where the authorising officer is within paragraph (ea) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Ministry of Defence Police;

(db) where the authorising officer is within paragraph (eb) of that subsection, by a person holding the position of assistant Provost Marshal in the Royal Navy Regulating Branch;

(dc) where the authorising officer is within paragraph (ec) or (ed) of that subsection, by a person holding the position of deputy Provost Marshal in the Royal Military Police or, as the case may be, in the Royal Air Force Police;

(dd) where the authorising officer is within paragraph (ee) of that subsection, by a person holding the rank of deputy or assistant chief constable in the British Transport Police;";

(b) in paragraph (e), the words "or (g)" and "or, as the case may be, of the National Crime Squad" shall be omitted; and

(c) [F81] . . . . . .

(5) [F82] . . . . . .

(6) In section 95 of that Act (authorisations: form and duration etc.)—

(a) in each of subsections (4) and (5), for the words from "the action" onwards there shall be substituted " the authorisation is one in relation to which the requirements of paragraphs (a) and (b) of section 93(2) are no longer satisfied. "; and

(b) in subsection (6), for "or (e)" there shall be substituted " , (e) or (g) ".

(7) In section 97 of that Act (authorisations requiring approval), in subsection (6), the words from "(and paragraph 7" onwards shall be omitted, and after that subsection there shall be inserted—

"(6A) The reference in subsection (6) to the authorising officer who gave the authorisation or in whose absence it was given shall be construed, in the case of an authorisation given by or in the absence of a person within paragraph (b), (e) or (g) of section 93(5), as a reference to the Commissioner of Police, Chief Constable or, as the case may be, Director General mentioned in the paragraph concerned."

(8) In section 103(7) of that Act (quashing authorisations), for the words from "and paragraph 7" onwards there shall be substituted " and subsection (6A) of section 97 shall apply for the purposes of this subsection as it applies for the purposes of subsection (6) of that section. "

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(9) In section 105 of that Act (appeals by authorising officers: supplementary), in subsection (1)(a), the word "and" shall be inserted at the end of sub-paragraph (i), and sub-paragraph (iii) and the word "and" immediately preceding it shall be omitted.

(10) In section 107 of that Act—

(a) in subsection (2) (report of Chief Surveillance Commissioner on the discharge of his functions under Part III of that Act)—

(i) for "the discharge of functions under this Part" there shall be substituted " the matters with which he is concerned "; and

(ii) for "any matter relating to those functions" there shall be substituted " anything relating to any of those matters ";

(b) in subsection (4) (matters that may be excluded from a report), for "the prevention or detection of serious crime or otherwise" there shall be substituted " any of the purposes for which authorisations may be given or granted under this Part of this Act or Part II of the Regulation of Investigatory Powers Act 2000 or under any enactment contained in or made under an Act of the Scottish Parliament which makes provision equivalent to that made by Part II of that Act of 2000 or "; and

(c) after subsection (5) (duty to co-operate with the Chief Surveillance Commissioner) there shall be inserted the subsections set out in sub-paragraph (11).

(11) The subsections inserted after subsection (5) of section 107 of that Act are as follows—

"(5A) It shall be the duty of—

(a) every person by whom, or on whose application, there has been given or granted any authorisation the function of giving or granting which is subject to review by the Chief Commissioner,

(b) every person who has engaged in conduct with the authority of such an authorisation,

(c) every person who holds or has held any office, rank or position with the same public authority as a person falling within paragraph (a),

(d) every person who holds or has held any office, rank or position with any public authority for whose benefit (within the meaning of Part II of the Regulation of Investigatory Powers Act 2000) activities which are or may be subject to any such review have been or may be carried out, and

(e) every person to whom a notice under section 49 of the Regulation of Investigatory Powers Act 2000 (notices imposing a disclosure requirement in respect of information protected by a key) has been given in relation to any information obtained by conduct to which such an authorisation relates,

to disclose or provide to the Chief Commissioner all such documents and information as he may require for the purpose of enabling him to carry out his functions.

(5B) It shall be the duty of every Commissioner to give the tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000 all such assistance (including his opinion as to any issue falling to be determined by that tribunal) as that tribunal may require—

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(a) in connection with the investigation of any matter by that tribunal; or

(b) otherwise for the purposes of that tribunal's consideration or determination of any matter.

(5C) In this section "public authority" means any public authority within the meaning of section 6 of the [M23]Human Rights Act 1998 (acts of public authorities) other than a court or tribunal."

(12) In section 108(1) of that Act after "In this Part—" there shall be inserted—

""Assistant Commissioner of Police of the Metropolis" includes the Deputy Commissioner of Police of the Metropolis;".

(13) In Part VII of that Act, before section 134 there shall be inserted—

Meaning of "prevention" and "detection".

"133A Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of "prevention" and "detection") shall apply for the purposes of this Act as it applies for the purposes of the provisions of that Act not contained in Chapter I of Part I."

Textual Amendments

F81 Sch. 4 para. 8(4)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(hh) (subject to art. 4(2)-(7))

F82 Sch. 4 para. 8(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(hh) (subject to art. 4(2)-(7))

Marginal Citations

M22 1997 c. 50.

M23 1998 c. 42.

The Northern Ireland Act 1998 (c. 47)

9 In paragraph 17(b) of Schedule 2 to the [M24]Northern Ireland Act 1998 (excepted matters), for "the Interception of Communications Act 1985" there shall be substituted " Chapter I of Part I of the Regulation of Investigatory Powers Act 2000 ".

Marginal Citations

M24 1998 c. 47.

The Electronic Communications Act 2000 (c. 7)

10 In section 4(2) of the [M25]Electronic Communications Act 2000 (exception to rules restricting disclosure of information obtained under Part I of that Act), for the word "or" at the end of paragraph (e) there shall be substituted—

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"(ea) for the purposes of any proceedings before the tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000; or".

Marginal Citations

M25 2000 c. 7.

The Financial Services and Markets Act 2000 (c. 8)

11 In section 394(7) of the [M26]Financial Services and Markets Act 2000 (exclusion of material from material of the Authority to which a person must be allowed access), for paragraphs (a) and (b) there shall be substituted—

"(a) is material the disclosure of which for the purposes of or in connection with any legal proceedings is prohibited by section 17 of the Regulation of Investigatory Powers Act 2000; or"

Marginal Citations

M26 2000 c. 8.

The Terrorism Act 2000 (c. 11)

12 (1) In section 9(2)(d) of the [M27]Terrorism Act 2000 (proceedings under the [M28]Human Rights Act 1998), for "8" there shall be substituted " 7 ".

(2) In each of paragraphs 6(3) and 7(5) of Schedule 3 to that Act (references to an organisation and representative in paragraphs 5 and 8 of that Schedule), for "paragraphs 5 and 8" there shall be substituted " paragraph 5 ".

Marginal Citations

M27 2000 c. 11.

M28 2000 c. 11.

SCHEDULE 5

Section 82.

REPEALS

Commencement Information

I1 Sch. 5 partly in force; Sch. 5 not in force at Royal Assent see s. 83(2); Sch. 5 in force for certain purposes at 25.9.2000 and Sch. 5 in force to the extent that it is not already in force at 2.10.2000 by S.I. 2000/2543, **arts. 2**, 3 (subject to transitional provisions in art. 6)

Chapter	Short title	Extent of repeal

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1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the words "The Tribunal established under the Interception of Communications Act 1985", "The Tribunal established under the Security Service Act 1989", and "The Tribunal established under section 9 of the Intelligence Services Act 1994".
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the words "The Tribunal established under the Interception of Communications Act 1985", "The Tribunal established under the Security Service Act 1989", and "The Tribunal established under section 9 of the Intelligence Services Act 1994".
1985 c. 56.	The Interception of Communications Act 1985.	Sections 1 to 10.
		Section 11(3) to (5).
		Schedule 1.
1989 c. 5.	The Security Service Act 1989.	Sections 4 and 5.
		Schedules 1 and 2.
1989 c. 6.	The Official Secrets Act 1989.	In Schedule 1, paragraph 3.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraphs 62 and 74.
1994 c. 13.	The Intelligence Services Act 1994.	In section 6(1)(b), the words "of his department".
		In section 7(5)(b), the words "of his department".
		Sections 8 and 9.
		In section 11(1), paragraph (b).
		Schedules 1 and 2.
1997 c. 50.	The Police Act 1997.	In section 93(6), paragraph (f) and the word "and" immediately preceding it.

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		In section 94(1), the word "or" at the end of paragraph (a). In section 94(2)(e), the words "or (g)" and "or, as the case may be, of the National Crime Squad". In section 94(4)— (a) the words "in his absence", in each place where they occur; and (b) paragraph (d) and the word "and" immediately preceding it. In section 97(6), the words from "(and paragraph 7" onwards. Sections 101 and 102. In section 104— (a) in subsection (1), paragraph (g); (b) in each of subsections (4), (5) and (6), paragraph (b) and the word "or" immediately preceding it; (c) in subsection (8), paragraph (b) and the word "and" immediately preceding it. In section 105(1)(a), sub-paragraph (iii) and the word "and" immediately preceding it. Section 106. Section 107(6). Schedule 7.
1997 c. 68.	The Special Immigration Appeals Commission Act 1997.	Section 5(7).
1998 c. 37.	The Crime and Disorder Act 1998.	Section 113(1) and (3).
2000 c. 11.	The Terrorism Act 2000.	In Schedule 3, paragraph 8.

Status:
Point in time view as at 12/04/2010.

Changes to legislation:
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