



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 3

AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

Relevant public authorities other than local authorities

70 Relevant public authorities and designated senior officers etc.

- (1) Schedule 4 (relevant public authorities and designated senior officers etc.) has effect.
- (2) A public authority listed in column 1 of the table in the Schedule is a relevant public authority for the purposes of this Part.
- (3) In this Part “designated senior officer”, in relation to a relevant public authority listed in column 1 of the table, means an individual who holds with the authority—
 - (a) an office, rank or position specified in relation to the authority in column 2 of the table, or
 - (b) an office, rank or position higher than that specified in relation to the authority in column 2 of the table (subject to subsections (4) and (5)).
- (4) Subsection (5) applies where an office, rank or position specified in relation to a relevant public authority in column 2 of the table is specified by reference to—
 - (a) a particular branch, agency or other part of the authority, or
 - (b) responsibility for functions of a particular description.
- (5) A person is a designated senior officer by virtue of subsection (3)(b) only if the person—
 - (a) holds an office, rank or position in that branch, agency or part, or
 - (b) has responsibility for functions of that description.
- (6) A person who is a designated senior officer of a relevant public authority by virtue of subsection (3) and an entry in column 2 of the table may grant an authorisation—

Status: This is the original version (as it was originally enacted).

- (a) only for obtaining communications data of the kind specified in the corresponding entry in column 3 of the table, and
 - (b) only if section 61(1)(a) is met in relation to a purpose within one of the paragraphs of section 61(7) specified in the corresponding entry in column 4 of the table.
- (7) Where there is more than one entry in relation to a relevant public authority in column 2 of the table, and a person is a designated senior officer of the authority by virtue of subsection (3) as it applies to more than one of those entries, subsection (6) applies in relation to each entry.

71 Power to modify section 70 and Schedule 4

- (1) The Secretary of State may by regulations modify section 70 or Schedule 4.
- (2) Regulations under subsection (1) may in particular—
 - (a) add a public authority to, or remove a public authority from, the list in column 1 of the table,
 - (b) modify an entry in column 2 of the table,
 - (c) impose or remove restrictions on the authorisations that may be granted by a designated senior officer with a specified public authority,
 - (d) impose or remove restrictions on the circumstances in which or purposes for which such authorisations may be granted by a designated senior officer.
- (3) The power to make regulations under subsection (1) includes power to make such modifications in any enactment (including this Act) as the Secretary of State considers appropriate in consequence of a person becoming, or ceasing to be, a relevant public authority because of regulations under that subsection.

72 Certain regulations under section 71: supplementary

- (1) This section applies to regulations under section 71 other than regulations which do only one or both of the following—
 - (a) remove a public authority from the list in column 1 of the table in Schedule 4 and make consequential modifications,
 - (b) modify column 2 of the table in a way that does not involve replacing an office, rank or position specified in that column in relation to a particular public authority with a lower office, rank or position in relation to the same authority.
- (2) Before making regulations to which this section applies, the Secretary of State must consult—
 - (a) the Investigatory Powers Commissioner, and
 - (b) the public authority to which the modifications relate.
- (3) A statutory instrument containing regulations to which this section applies may not be made except in accordance with the enhanced affirmative procedure.