

*Status: Point in time view as at 27/06/2018.*

*Changes to legislation: Investigatory Powers Act 2016, Paragraph 24 is up to date with all changes known to be in force on or before 31 May 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

### SCHEDULE 3

#### EXCEPTIONS TO SECTION 56

##### *Disclosures to inquiries and inquests*

- 24 (1) Nothing in section 56(1) prohibits—
- (a) a disclosure to a person (the “nominated person”) nominated under paragraph 3(1) of Schedule 10 to the Coroners and Justice Act 2009 (investigation by judge or former judge) to conduct an investigation into a person's death, or
  - (b) a disclosure to a person appointed as legal adviser to an inquest forming part of an investigation conducted by the nominated person,
- where, in the course of the investigation, the nominated person has ordered the disclosure to be made to the nominated person alone or (as the case may be) to the nominated person and any person appointed as legal adviser to the inquest.
- (2) The nominated person may order a disclosure under sub-paragraph (1) only if the person considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
- (3) In a case where a person who is not a nominated person is or has been conducting an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death, nothing in section 56(1) prohibits—
- (a) a disclosure to the person that there is intercepted material in existence which is, or may be, relevant to the investigation;
  - (b) a disclosure to a person appointed as legal adviser to an inquest forming part of the investigation which is made for the purposes of determining—
    - (i) whether any intercepted material is, or may be, relevant to the investigation, and
    - (ii) if so, whether it is necessary for the material to be disclosed to the person conducting the investigation.
- (4) In sub-paragraph (3) “intercepted material” means—
- (a) any content of an intercepted communication (within the meaning of section 56), or
  - (b) any secondary data obtained from a communication.
- (5) Any reference in this paragraph to a person appointed as legal adviser to an inquest is a reference to a person appointed as solicitor or counsel to the inquest.

#### **Commencement Information**

**II** Sch. 3 para. 24 in force at 27.6.2018 by S.I. 2018/652, reg. 8(w)

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