

SCHEDULES

SCHEDULE 12

Section 88

REVENUE AND CUSTOMS: REGULATION OF INVESTIGATORY POWERS

Police Act 1997 (c. 50)

- 1 In section 93 of the Police Act 1997 (authorisations to interfere with property, &c.)—
 - (a) in subsection (1B) for “customs officer” substitute “an officer of Revenue and Customs”;
 - (b) in subsection (3)(d) for “a customs officer” substitute “an officer of Revenue and Customs”; and
 - (c) for subsection (5)(h) substitute—
 - “(h) an officer of Revenue and Customs who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated for the purposes of this paragraph by the Commissioners for Her Majesty’s Revenue and Customs;”.
- 2 In section 94(2)(f) of that Act (urgency) for “by a customs officer designated by the Commissioners of Customs and Excise” substitute “by an officer of Revenue and Customs who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated by the Commissioners for Her Majesty’s Revenue and Customs”.
- 3 In section 107(4)(c) of that Act (supplementary) for “the Commissioners of Customs and Excise.” substitute “the Commissioners for Her Majesty’s Revenue and Customs.”
- 4 In section 108(1) of that Act (interpretation) omit the definition of “customs officer”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 5 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 6 In section 6(2)(h) (application for issue of interception warrant) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- 7 In section 21(5)(c) (acquisition of data, &c.) for “customs officers.” substitute “officers of Revenue and Customs.”
- 8 In the definition of “relevant public authority” in section 25(1) (communications data: interpretation) for paragraphs (d) and (e) substitute—
 - “(d) Her Majesty’s Revenue and Customs;”.
- 9 In section 27(4)(c) (lawful surveillance, &c.) for “customs officers.” substitute “officers of Revenue and Customs.”
- 10 For section 32(6)(m) (authorisation of intrusive surveillance) substitute—

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- “(m) an officer of Revenue and Customs who is a senior official and who is designated for the purposes of this paragraph by the Commissioners for Her Majesty’s Revenue and Customs;”.
- 11 In section 33 (surveillance: authorisation)—
- (a) for subsection (2) substitute—
- “(2) A person who is a designated person for the purposes of section 28 or 29 by reference to office, rank or position in Her Majesty’s Revenue and Customs shall not grant an authorisation under that section except on an application made by an officer of Revenue and Customs.”;
- (b) for subsection (4) substitute—
- “(4) A person who is a senior authorising officer by virtue of a designation by the Commissioners for Her Majesty’s Revenue and Customs shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an officer of Revenue and Customs.”; and
- (c) in subsection (5)(a) for “a customs officer” substitute “an officer of Revenue and Customs”;
- (and in the italic cross-heading before section 33 for “customs” substitute “Revenue and Customs”).
- 12 In section 34 (grant of authorisation in senior officer’s absence)—
- (a) in subsection (1) for “a customs officer;” substitute “an officer of Revenue and Customs;”;
- (b) in subsection (2)(a) for “the Commissioners of Customs and Excise,” substitute “the Commissioners for Her Majesty’s Revenue and Customs,”; and
- (c) in subsection (4)(l)—
- (i) for “the Commissioners of Customs and Excise,” substitute “the Commissioners for Her Majesty’s Revenue and Customs, and
- (ii) after “if he is” insert “a senior official”.
- 13 In section 35 (intrusive surveillance authorisation: notification)—
- (a) in subsection (1) for “customs” substitute “Revenue and Customs”;
- (b) in subsection (10) for “customs” substitute “Revenue and Customs”; and
- (c) in subsection (10)(b) for “the Commissioners of Customs and Excise;” substitute “the Commissioners for Her Majesty’s Revenue and Customs;”.
- 14 In section 36 (approval required for authorisation of intrusive surveillance to take effect)—
- (a) for subsection (1)(d) substitute—
- “(d) an officer of Revenue and Customs;”;
- (b) for subsection (6)(g) substitute—
- “(g) where the authorisation was granted by an officer of Revenue and Customs, the officer of Revenue and Customs for the time being designated for the purposes of this paragraph by a written notice given to the Chief Surveillance Commissioner by the Commissioners for Her Majesty’s Revenue and Customs;”.

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- 15 For section 37(1)(d) (quashing authorisations) substitute—
“(d) an officer of Revenue and Customs;”
- 16 For section 40(d) (information) substitute—
“(d) every officer of Revenue and Customs;”.
- 17 In section 46(3) (Scotland: restrictions) for paragraph (e) substitute—
“(e) the Commissioners for Her Majesty’s Revenue and Customs;”.
- 18 In section 48(3)(c)(ii) (interpretation) for “customs officers.” substitute “officers of Revenue and Customs.”
- 19 In section 49(1)(e) (encrypted data: disclosure: permission) for “the customs and excise” substitute (in each place) “Her Majesty’s Revenue and Customs”.
- 20 In section 51 (cases where key required)—
(a) for “the customs and excise” (in each place) substitute “Her Majesty’s Revenue and Customs”; and
(b) for “the Commissioners of Customs and Excise” (in each place) substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- 21 In section 54(3) (secrecy) for “the customs and excise” substitute (in each place) “Her Majesty’s Revenue and Customs”.
- 22 For section 55(1)(c) (general duty in relation to encrypted data) substitute—
“(c) the Commissioners for Her Majesty’s Revenue and Customs;”.
- 23 In section 56(1) (interpretation) omit the definition of “the customs and excise”.
- 24 For section 65(6)(f) (the Tribunal) substitute—
“(f) the Commissioners for Her Majesty’s Revenue and Customs;”.
- 25 In section 71(2)(c) (codes of practice) for “customs and excise” substitute “Her Majesty’s Revenue and Customs”.
- 26 In section 76A(11) (foreign surveillance operations) for paragraph (d) of the definition of “United Kingdom officer” substitute—
“(d) an officer of Revenue and Customs.”
- 27 In section 81(1) (interpretation) omit the definition of “customs officer”.
- 28 In Schedule 1 (surveillance authorisation: relevant authorities) for paragraphs 7 and 8 substitute—

“Revenue and Customs

7 Her Majesty’s Revenue and Customs.”

- 29 (1) In paragraphs 2(3) and (5), 4(2) and 5(3)(b) of Schedule 2 (encrypted data: disclosure: permission) for “customs and excise” or “the customs and excise” (in each place) substitute “Her Majesty’s Revenue and Customs”.
- (2) In paragraph 6(4) of that Schedule—
(a) for “A person commissioned by the Commissioners of Customs and Excise” substitute “An officer of Revenue and Customs”;
(b) for “those Commissioners themselves” substitute “the Commissioners for Her Majesty’s Revenue and Customs”;
(c) for “their department” substitute “Revenue and Customs”; and

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(d) for “they” substitute “the Commissioners”.

Commissioners for Revenue and Customs Act 2005 (c. 11)

- 30 The following paragraphs of Schedule 2 to the Commissioners for Revenue and Customs Act 2005 (which restrict the class of functions in connection with which certain powers may be used) shall cease to have effect—
- (a) paragraph 1 (Wireless Telegraphy Act 2006 (c. 36), s. 48); and
 - (b) paragraph 11 (Regulation of Investigatory Powers Act 2000 (c. 23), ss. 6(2)(h), 32(6)(m), 49(1)(e) and 54 and Sched. 2, paras. 2(3) and 4(2)).
- 31 Nothing in section 6 or 7 of the Commissioners for Revenue and Customs Act 2005 (initial functions) restricts the functions in connection with which Her Majesty’s Revenue and Customs may exercise a power under an enactment amended by this Schedule.