SCHEDULES

SCHEDULE 12 E+W+N.I.

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;".

Commencement Information

I1 Sch. 12 para. 1 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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 ".

Commencement Information

I2 Sch. 12 para. 2 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

F1 3 . . . . . .

Textual Amendments

F1 Sch. 12 para. 3 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

4 In section 108(1) of that Act (interpretation) omit the definition of "customs officer".

Commencement Information
I3 Sch. 12 para. 4 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

Regulation of Investigatory Powers Act 2000 (c. 23)

5 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information
I4 Sch. 12 para. 5 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

[F2]6 . . . . . .

Textual Amendments
F2 Sch. 12 para. 6 repealed (7.11.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 4(b)

[F3]7 . . . . . .

Textual Amendments
F3 Sch. 12 para. 8 repealed (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iv)

[F3]8 . . . . . .

Textual Amendments
F3 Sch. 12 para. 8 repealed (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iv)

9 In section 27(4)(c) (lawful surveillance, &c.) for "customs officers)." substitute " officers of Revenue and Customs). "

Commencement Information
I5 Sch. 12 para. 9 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

10 For section 32(6)(m) (authorisation of intrusive surveillance) substitute—

"(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;".

Commencement Information
I6 Sch. 12 para. 10 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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 ").

Commencement Information

I7 Sch. 12 para. 11 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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 ".

Commencement Information

I8 Sch. 12 para. 12 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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; ".

Commencement Information

I9 Sch. 12 para. 13 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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;"; and

(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;".

Commencement Information

I10 Sch. 12 para. 14 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

15 For section 37(1)(d) (quashing authorisations) substitute—

"(d) an officer of Revenue and Customs;"(and in the heading to that section for "customs" substitute " Revenue and Customs ").

Commencement Information

I11 Sch. 12 para. 15 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

16 For section 40(d) (information) substitute—

"(d) every officer of Revenue and Customs,".

Commencement Information

I12 Sch. 12 para. 16 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

17 In section 46(3) (Scotland: restrictions) for paragraph (e) substitute—

"(e) the Commissioners for Her Majesty's Revenue and Customs;".

Commencement Information

I13 Sch. 12 para. 17 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

18 In section 48(3)(c)(ii) (interpretation) for "customs officers)." substitute " officers of Revenue and Customs). "

Commencement Information

I14 Sch. 12 para. 18 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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 ".

Commencement Information
I15 Sch. 12 para. 19 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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 ".

Commencement Information
I16 Sch. 12 para. 20 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

21 In section 54(3) (secrecy) for "the customs and excise" substitute (in each place) " Her Majesty's Revenue and Customs ".

Commencement Information
I17 Sch. 12 para. 21 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

22 For section 55(1)(c) (general duty in relation to encrypted data) substitute—

"(c) the Commissioners for Her Majesty's Revenue and Customs;".

Commencement Information
I18 Sch. 12 para. 22 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

23 In section 56(1) (interpretation) omit the definition of "the customs and excise".

Commencement Information
I19 Sch. 12 para. 23 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

24 For section 65(6)(f) (the Tribunal) substitute—

"(f) the Commissioners for Her Majesty's Revenue and Customs;".

Commencement Information
I20 Sch. 12 para. 24 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

25 In section 71(2)(c) (codes of practice) for "customs and excise" substitute " Her Majesty's Revenue and Customs ".

Commencement Information
I21 Sch. 12 para. 25 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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."

Commencement Information

I22 Sch. 12 para. 26 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

27 In section 81(1) (interpretation) omit the definition of "customs officer".

Commencement Information

I23 Sch. 12 para. 27 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

[F4]28 . . . . . .

Textual Amendments

F4 Sch. 12 para. 28 omitted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by virtue of Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4), s. 9(2), **Sch. para. 12**; S.I. 2021/605, reg. 2(a)(b)(c)

Commencement Information

I24 Sch. 12 para. 28 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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

(d) for "they" substitute " the Commissioners ".

Commencement Information

I25 Sch. 12 para. 29 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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)).

Commencement Information

I26 Sch. 12 para. 30 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

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.

Commencement Information

I27 Sch. 12 para. 31 in force at 15.2.2008 by S.I. 2008/219, **art. 2(b)**

Changes to legislation:
There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 12.