SCHEDULE U.K.

Section 8

CONSEQUENTIAL AMENDMENTS

PART 1 U.K.

REGULATION OF INVESTIGATORY POWERS ACT 2000

Introductory

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

Commencement Information

I1 Sch. para. 1 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I2 Sch. para. 1 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I3 Sch. para. 1 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Orders under section 30 for Northern Ireland

2 In section 31 (orders under section 30 for Northern Ireland), in subsection (1), after "authorisations" insert " under section 28 or 29 ".

Commencement Information

I4 Sch. para. 2 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I5 Sch. para. 2 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I6 Sch. para. 2 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Granting authorisations

3 In the heading before section 32A (authorisations requiring judicial approval), after "approval" insert " or notification ".

Commencement Information

I7 Sch. para. 3 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I8 Sch. para. 3 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I9 Sch. para. 3 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

4 (1) Section 33 (rules for grant of authorisations) is amended as follows.

(2) In subsection (1), for "or 29" substitute " , 29 or 29B ".

(3) In subsection (1ZB), for "or 29" substitute " , 29 or 29B ".

(4) In subsection (1ZC)(b), for "or 29" substitute " , 29 or 29B ".

(5) In subsection (1A), for "or 29" substitute " , 29 or 29B ".

(6) In subsection (2), for "or 29" substitute " , 29 or 29B ".

Changes to legislation: *There are currently no known outstanding effects for the Covert Human Intelligence Sources (Criminal Conduct) Act 2021, SCHEDULE. (See end of Document for details)*

Commencement Information

I10 Sch. para. 4 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I11 Sch. para. 4 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I12 Sch. para. 4 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

5 (1) Section 33A (further provision about granting authorisations in cases where the National Crime Agency is party to a collaboration agreement) is amended as follows.

(2) In subsection (2), for "or 29" substitute " , 29 or 29B ".

(3) In subsection (3), for "or 29" substitute " , 29 or 29B ".

(4) In subsection (4), for "or 29" substitute " , 29 or 29B ".

Commencement Information

I13 Sch. para. 5 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I14 Sch. para. 5 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I15 Sch. para. 5 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

General rules about grant, renewal, duration and cancellation

6 (1) Section 43 (general rules about grant, renewal and duration) is amended as follows.

(2) In subsection (3)(b), after "source" insert " or is an authorisation under section 29B ".

(3) In subsection (6), after "source" insert " or an authorisation under section 29B ".

Commencement Information

I16 Sch. para. 6 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I17 Sch. para. 6 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I18 Sch. para. 6 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

7 (1) Section 45 (cancellation of authorisations) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after "29(2)(a) and (b)" insert " , 29B(4)(a) and (b) ";

(b) omit the "or" at the end of that paragraph;

(c) at the end of paragraph (b) insert—

"(c) in the case of an authorisation under section 29B where the source is under the age of 18 ("the juvenile source"), the person—

(i) becomes aware of circumstances in which it is reasonably foreseeable that harm, within the meaning of section 29C(5), to the juvenile source would result from the authorisation,

(ii) is satisfied that the authorisation would no longer be compatible with the need to safeguard and promote the best interests of the juvenile source, or

(iii) is satisfied that arrangements for the juvenile source's case that satisfy the requirements of subsection (3)(c) of section 29C no longer exist; or

(d) in the case of any authorisation under section 29B, the person is satisfied that any arrangements for the source's case required to satisfy any requirements mentioned in subsection (4)(c) of that section no longer exist".

(3) In subsection (2), for "either" substitute " any ".

(4) In subsection (3), for "either" substitute " any ".

Commencement Information

I19 Sch. para. 7 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**

I20 Sch. para. 7 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**

I21 Sch. para. 7 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

8 In section 46 (restrictions on authorisations extending to Scotland)—

(a) in subsection (2)(d), after "conduct of" insert " or in relation to ";

(b) after subsection (4) insert—

"(5) No person may grant or renew a section 29B(5)(b) authorisation if it appears to the person that all or some of the conduct authorised by the section 29B(5)(b) authorisation is likely to take place in Scotland.

(6) But subsection (5) does not apply if the grant or renewal of the section 29B(5)(b) authorisation is for a purpose relating to a reserved matter (within the meaning of the Scotland Act 1998).

(7) For the purposes of subsections (5) and (6), "a section 29B(5)(b) authorisation" means an authorisation under section 29B in so far as it is granted or, as the case may be, renewed on the grounds that it is necessary on grounds falling within section 29B(5)(b)."

Commencement Information

I22 Sch. para. 8 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**

I23 Sch. para. 8 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**

I24 Sch. para. 8 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Authorising authorities

9 (1) Part 1 of Schedule 1 (relevant authorities for the purposes of sections 28 and 29) is amended as follows.

(2) In the heading of the Part, after "purposes" insert " only ".

(3) Omit—

(a) paragraph 1 (any police force);

(b) paragraph 2 (National Crime Agency);

(c) paragraph 4 (Serious Fraud Office);

(d) paragraph 5 (intelligence services) and the italic heading before it;
(e) paragraph 6 (armed forces) and the italic heading before it;
(f) paragraph 7 (Her Majesty's Revenue and Customs) and the italic heading before it;
(g) paragraph 12 (Department of Health and Social Care);
(h) paragraph 13 (Home Office);
(i) paragraph 13ZA (Ministry of Justice);
(j) paragraph 18 (Environment Agency);
(k) paragraph 19 (Financial Conduct Authority);
(l) paragraph 20 (Food Standards Agency);
(m) paragraph 20A (Gambling Commission);
(n) paragraph 20B (Competition and Markets Authority).

Commencement Information
I25 Sch. para. 9 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I26 Sch. para. 9 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I27 Sch. para. 9 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

PART 2 U.K.

OTHER ENACTMENTS

Police Reform Act 2002

10 In section 19 of the Police Reform Act 2002 (use of investigatory powers by or on behalf of the Director General), after subsection (4) insert—

"(5) But the reference in subsection (1)(b) to the conduct of covert human intelligence sources does not include conduct which may be authorised under section 29B of that Act (criminal conduct authorisations)."

Commencement Information
I28 Sch. para. 10 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I29 Sch. para. 10 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I30 Sch. para. 10 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Gambling Act 2005

11 In Schedule 16 to the Gambling Act 2005 (minor and consequential amendments), omit paragraph 14 and the italic heading before it.

Commencement Information
I31 Sch. para. 11 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I32 Sch. para. 11 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I33 Sch. para. 11 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Serious Crime Act 2007

12 In Schedule 12 to the Serious Crime Act 2007 (Revenue and Customs: regulation of investigatory powers), omit paragraph 28.

Commencement Information

I34 Sch. para. 12 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I35 Sch. para. 12 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I36 Sch. para. 12 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Crime and Courts Act 2013

13 The Crime and Courts Act 2013 is amended as follows.

Commencement Information

I37 Sch. para. 13 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I38 Sch. para. 13 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I39 Sch. para. 13 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

14 In Schedule 1 (the National Crime Agency and its officers), in paragraph 6A, after sub-paragraph (3)(a)(ii) insert—

"(iia) section 29B (covert human intelligence sources: criminal conduct);".

Commencement Information

I40 Sch. para. 14 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I41 Sch. para. 14 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I42 Sch. para. 14 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

15 In Schedule 8 (minor and consequential amendments and repeals), omit paragraph 99.

Commencement Information

I43 Sch. para. 15 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**
I44 Sch. para. 15 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**
I45 Sch. para. 15 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Coronavirus Act 2020

16 (1) Sub-paragraph (2) applies to—

(a) section 22 of the Coronavirus Act 2020 (appointment of temporary Judicial Commissioners),

(b) regulation 3(1) of the Investigatory Powers (Temporary Judicial Commissioners and Modification of Time Limits) Regulations 2020 (S.I. 2020/360), and

(c) any appointment which was made under that regulation and has effect immediately before the coming into force of this paragraph.

(2) In section 22(1), regulation 3(1) or the appointment, references to functions conferred on Judicial Commissioners by—

(a) the Regulation of Investigatory Powers Act 2000,

(b) the Investigatory Powers Act 2016,

are to be read as including references to functions conferred on Judicial Commissioners by those Acts by virtue of amendments made by this Act.

Commencement Information

I46 Sch. para. 16 in force at 10.8.2021 for specified purposes by S.I. 2021/605, **reg. 2(a)**

I47 Sch. para. 16 in force at 15.9.2021 for specified purposes by S.I. 2021/605, **reg. 2(b)**

I48 Sch. para. 16 in force at 30.9.2021 in so far as not already in force by S.I. 2021/605, **reg. 2(c)**

Changes to legislation:
There are currently no known outstanding effects for the Covert Human Intelligence Sources (Criminal Conduct) Act 2021, SCHEDULE.