



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 3

AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

Collaboration agreements

78 Collaboration agreements

- (1) A collaboration agreement is an agreement (other than a police collaboration agreement) under which—
 - (a) a relevant public authority (“the supplying authority”) puts the services of designated senior officers of that authority or other officers of that authority at the disposal of another relevant public authority (“the subscribing authority”) for the purposes of the subscribing authority’s functions under this Part, and
 - (b) either—
 - (i) a designated senior officer of the supplying authority is permitted to grant authorisations to officers of the subscribing authority,
 - (ii) officers of the supplying authority are permitted to be granted authorisations by a designated senior officer of the subscribing authority, or
 - (iii) officers of the supplying authority act as single points of contact for officers of the subscribing authority.
- (2) The persons by whom, or to whom, authorisations may be granted (or who may act as single points of contact) under a collaboration agreement are additional to those persons by whom, or to whom, authorisations would otherwise be granted under this Part (or who could otherwise act as single points of contact).
- (3) In a case falling within subsection (1)(b)(i)—
 - (a) section 61 has effect as if—
 - (i) in subsection (2) the reference to an officer of the authority were a reference to an officer of the subscribing authority, and

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- (ii) in subsection (6)(b)(ii) the reference to an officer of the same relevant public authority as an authorised officer included a reference to an officer of the supplying authority,
 - (b) section 63(3)(d) has effect as if the reference to the relevant public authority concerned were a reference to both authorities,
 - (c) this Part has effect as if the designated senior officer of the supplying authority had the power to grant an authorisation to officers of the subscribing authority, and had other functions in relation to the authorisation, which were the same as (and subject to no greater or lesser restrictions than) the power and other functions which the designated senior officer of the subscribing authority who would otherwise have dealt with the authorisation would have had, and
 - (d) section 75(1) applies to the authorisation as if it were granted by a designated senior officer of the subscribing authority.
- (4) In a case falling within subsection (1)(b)(ii)—
- (a) section 61 has effect as if—
 - (i) in subsection (2) the reference to an officer of the authority were a reference to an officer of the supplying authority, and
 - (ii) in subsection (6)(b)(ii) the reference to an officer of the same relevant public authority as an authorised officer included a reference to an officer of the subscribing authority, and
 - (b) section 63(3)(d) has effect as if the reference to the relevant public authority concerned were a reference to both authorities.
- (5) In a case falling within subsection (1)(b)(iii), section 76(4)(b) has effect as if the references to the relevant public authority were references to the subscribing authority.
- (6) In this section—
- “force collaboration provision” has the meaning given by paragraph (a) of section 22A(2) of the Police Act 1996 but as if the reference in that paragraph to a police force included the National Crime Agency,
 - “police collaboration agreement” means a collaboration agreement under section 22A of the Police Act 1996 which contains force collaboration provision.

79 Collaboration agreements: supplementary

- (1) A collaboration agreement may provide for payments to be made between parties to the agreement.
- (2) A collaboration agreement—
 - (a) must be in writing,
 - (b) may be varied by a subsequent collaboration agreement, and
 - (c) may be brought to an end by agreement between the parties to it.
- (3) A person who makes a collaboration agreement must—
 - (a) publish the agreement, or
 - (b) publish the fact that the agreement has been made and such other details about it as the person considers appropriate.

- (4) A relevant public authority may enter into a collaboration agreement as a supplying authority, a subscribing authority or both (whether or not it would have power to do so apart from this section).
- (5) The Secretary of State may, after consulting a relevant public authority, direct it to enter into a collaboration agreement if the Secretary of State considers that entering into the agreement would assist the effective exercise by the authority, or another relevant public authority, of its functions under this Part.
- (6) A code of practice under Schedule 7 must include guidance to relevant public authorities about collaboration agreements.
- (7) The guidance must include guidance about the criteria the Secretary of State will use in considering whether a collaboration agreement is appropriate for a relevant public authority.

80 Police collaboration agreements

- (1) This section applies if—
 - (a) the chief officer of police of an England and Wales police force (“force 1”) has entered into a police collaboration agreement for the purposes of a collaborating police force’s functions under this Part, and
 - (b) under the terms of the agreement—
 - (i) a designated senior officer of force 1 is permitted to grant authorisations to officers of the collaborating police force,
 - (ii) officers of force 1 are permitted to be granted authorisations by a designated senior officer of the collaborating police force, or
 - (iii) officers of force 1 act as single points of contact for officers of the collaborating police force.
- (2) The persons by whom, or to whom, authorisations may be granted (or who may act as single points of contact) under a police collaboration agreement are additional to those persons by whom, or to whom, authorisations would otherwise be granted under this Part (or who could otherwise act as single points of contact).
- (3) In a case falling within subsection (1)(b)(i)—
 - (a) section 61 has effect as if—
 - (i) in subsection (2) the reference to an officer of the authority were a reference to an officer of the collaborating police force, and
 - (ii) in subsection (6)(b)(ii) the reference to an officer of the same relevant public authority as an authorised officer included a reference to an officer of force 1,
 - (b) section 63(3)(d) has effect as if the reference to the relevant public authority concerned were a reference to force 1 and the collaborating police force, and
 - (c) this Part has effect as if the designated senior officer of force 1 had the power to grant an authorisation to officers of the collaborating police force, and had other functions in relation to the authorisation, which were the same as (and subject to no greater or lesser restrictions than) the power and other functions which the designated senior officer of the collaborating police force who would otherwise have dealt with the authorisation would have had.
- (4) In a case falling within subsection (1)(b)(ii)—

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- (a) section 61 has effect as if—
 - (i) in subsection (2) the reference to an officer of the authority were a reference to an officer of force 1, and
 - (ii) in subsection (6)(b)(ii) the reference to an officer of the same relevant public authority as an authorised officer included a reference to an officer of the collaborating police force, and
 - (b) section 63(3)(d) has effect as if the reference to the relevant public authority concerned were a reference to force 1 and the collaborating police force.
- (5) In a case falling within subsection (1)(b)(iii), section 76(4)(b) has effect as if the references to the relevant public authority were references to the collaborating police force.
- (6) In this section—
- “collaborating police force”, in relation to a police collaboration agreement, means a police force (other than force 1) whose chief officer of police is a party to the agreement,
 - “England and Wales police force” means—
 - (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London),
 - (b) the metropolitan police force, or
 - (c) the City of London police force,
 - “police collaboration agreement” has the same meaning as in section 78 (see subsection (6) of that section),
- and references in this section to an England and Wales police force or a police force include the National Crime Agency (and references to the chief officer of police include the Director General of the National Crime Agency).