

SCHEDULES

SCHEDULE 8

COMBINATION OF WARRANTS AND AUTHORISATIONS

PART 4

COMBINED WARRANTS: SUPPLEMENTARY PROVISION

Introductory

- 15 In this Part of this Schedule “combined warrant” means a warrant issued under any of Parts 1 to 3 of this Schedule.

General

- 16 (1) Where Part 1, 2 or 3 of this Schedule provides for a person to have power, on an application made by or on behalf of any person (“the applicant”), to issue a combined warrant that includes any warrant or other authorisation, the person may issue a combined warrant containing that warrant or authorisation, whether or not that person would have power, on an application made by or on behalf of the applicant, to issue that warrant, or to give that authorisation, as a single instrument.
- (2) Where Part 1, 2 or 3 of this Schedule provides for a person to have power to apply for a combined warrant, the person may apply for a combined warrant containing any warrant or other authorisation that may be included in it, provided that—
- (a) the person could apply for that warrant or authorisation as a single instrument, or
 - (b) the organisation on whose behalf the person is acting, or another person who is a member of staff or an officer of the organisation or who is otherwise acting on its behalf, could apply for that warrant or authorisation as a single instrument.
- 17 (1) A combined warrant must be addressed to the person by whom, or on whose behalf, the application for the combined warrant was made.
- (2) Any reference in this Act to the person to whom a warrant is or was addressed is to be read, in the case of a combined warrant containing such a warrant, as a reference to the person to whom the combined warrant is or was addressed.
- 18 A combined warrant must contain a provision stating which warrants or other authorisations are included in the combined warrant.
- 19 Any reference in any enactment to a warrant or other authorisation of a particular description issued or given under any enactment includes, in the case of a combined warrant containing a warrant or authorisation of that description, a reference to so much of the combined warrant as consists of such a warrant or authorisation.

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This is subject to any provision made by or under the following provisions of this Schedule.

Rules about issue etc. applying separately in relation to each part of a combined warrant

- 20 (1) The law about the following matters, so far as relating to a warrant or other authorisation that may be included in a combined warrant, applies in relation to so much of a combined warrant as consists of such a warrant or authorisation—
- (a) the duties imposed by section 2 (general duties in relation to privacy);
 - (b) any conditions that must be met before such a warrant or authorisation may be issued or given;
 - (c) the grounds on which such a warrant or authorisation may be issued or given;
 - (d) the conduct that may be authorised by such a warrant or authorisation;
 - (e) any requirements as to what must be included in such a warrant or authorisation;
 - (f) any conditions that must be met before such a warrant or authorisation may be renewed and the grounds on which it may be renewed;
 - (g) any conditions that must be met before such a warrant or authorisation may be modified;
 - (h) the grounds on which such a warrant or authorisation may be modified and the procedural rules that apply to such a modification;
 - (i) the circumstances in which such a warrant or authorisation may or must be cancelled.
- (2) In sub-paragraph (1)(h) “procedural rules”, in relation to the modification of a warrant or other authorisation, means the law about any of the following matters—
- (a) the involvement of Judicial Commissioners in decisions;
 - (b) the delegation of decisions;
 - (c) the signing of instruments making a modification;
 - (d) urgent cases.
- (3) Sub-paragraph (1) is subject to paragraphs 21 to 26.

Rules about issue etc. applying in relation to combined warrants

- 21 (1) A combined warrant under Part 1 of this Schedule addressed to any person may only be issued, renewed or cancelled in accordance with the procedural rules that would apply to the issue, renewal or cancellation of a targeted interception warrant addressed to that person (see Chapter 1 of Part 2 of this Act).
- (2) In sub-paragraph (1) “procedural rules”, in relation to a warrant, means the law about any of the following matters—
- (a) the involvement of Judicial Commissioners in decisions;
 - (b) the delegation of decisions;
 - (c) the signing of warrants;
 - (d) urgent cases.
- (3) But if a combined warrant under paragraph 1 or 4 includes a warrant which the person issuing the combined warrant has power to issue under section 5 of the Intelligence Services Act 1994 (a “section 5 warrant”), any requirement (arising from sub-paragraph (1) above) for the involvement of Judicial Commissioners in the

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- decision whether to issue or renew the combined warrant does not apply in relation to the part of the combined warrant consisting of the section 5 warrant.
- 22 (1) A combined warrant under Part 2 of this Schedule addressed to any person may only be issued, renewed or cancelled in accordance with the procedural rules that would apply to the issue, renewal or cancellation of a targeted equipment interference warrant addressed to that person (see Part 5 of this Act).
- (2) In sub-paragraph (1) “procedural rules” has the same meaning as in paragraph 21(1).
- (3) But if a combined warrant under paragraph 8 or 10 includes a warrant which the person issuing the combined warrant has power to issue under section 5 of the Intelligence Services Act 1994 (a “section 5 warrant”), any requirement (arising from sub-paragraph (1) above) for the involvement of Judicial Commissioners in the decision whether to issue or renew the combined warrant does not apply in relation to the part of the combined warrant consisting of the section 5 warrant.
- 23 (1) A combined warrant under Part 3 of this Schedule addressed to any person may only be issued, renewed or cancelled in accordance with the procedural rules that would apply to the issue, renewal or cancellation of a targeted examination warrant under section 19(2) addressed to that person (see Chapter 1 of Part 2 of this Act).
- (2) In sub-paragraph (1) “procedural rules” has the same meaning as in paragraph 21(1).
- 24 (1) In consequence of paragraphs 21 and 22, the following provisions of the Police Act 1997 do not apply in relation to an authorisation under section 93 of that Act which is included in a combined warrant—
- (a) section 96 (notification of authorisations to Judicial Commissioner);
 - (b) section 97 (authorisations requiring approval);
 - (c) section 103(1), (2) and (4) (power to quash or cancel authorisations);
 - (d) section 104 (appeals to Investigatory Powers Commissioner).
- (2) Section 103(6) of that Act applies where a combined warrant containing an authorisation under section 93 of that Act is cancelled as it applies where such an authorisation is cancelled under section 103(4) of that Act.
- 25 In consequence of paragraphs 21 and 22, the following provisions of the Regulation of Investigatory Powers Act 2000 do not apply in relation to an authorisation under section 32 of that Act which is included in a combined warrant—
- (a) section 35 (notification of authorisations to Judicial Commissioner);
 - (b) section 36 (approval required for authorisations to take effect);
 - (c) section 37(2) to (4) (power to quash or cancel authorisations);
 - (d) section 38 (appeals to Investigatory Powers Commissioner).
- 26 In consequence of paragraphs 21 and 22, the following provisions of the Regulation of Investigatory Powers (Scotland) Act 2000 do not apply in relation to an authorisation under section 10 of that Act which is included in a combined warrant—
- (a) section 13 (notification of authorisations to Judicial Commissioner);
 - (b) section 14 (approval required for authorisations to take effect);
 - (c) section 15(1) to (3) (power to quash or cancel authorisations);
 - (d) section 16 (appeals to Investigatory Powers Commissioner).

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Modification of rules as to duration

- 27 (1) Where a combined warrant includes warrants or authorisations which (as single instruments) would cease to have effect at the end of different periods, the combined warrant is to cease to have effect at the end of the shortest of the periods (unless renewed).
- (2) But sub-paragraph (1) does not apply to a combined warrant which—
- (a) includes an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance),
 - (b) is addressed to the head of an intelligence service, and
 - (c) is issued with the approval of a Judicial Commissioner.
- (3) In such a case, the combined warrant (unless it is renewed) is to cease to have effect at the end of the period of 6 months beginning with the day on which it is issued.

Special rules about the application of this Act to combined warrants

- 28 (1) This paragraph applies where under section 24(3) a Judicial Commissioner refuses to approve a decision to issue a combined warrant under Part 1 or 3 of this Schedule.
- (2) Section 25 has effect in relation to the combined warrant as if—
- (a) any reference in subsection (3) of that section to a targeted interception warrant or targeted examination warrant were a reference to so much of the combined warrant as consisted of such a warrant, and
 - (b) any other reference in that section to a warrant were a reference to the combined warrant.
- (3) Where the combined warrant included a targeted equipment interference warrant or targeted examination warrant which the person who issued the combined warrant has power to issue under Part 5 of this Act, section 110 has effect in relation to the combined warrant as if—
- (a) any reference in subsection (3)(b) or (c) of that section to a targeted equipment interference warrant were a reference to so much of the combined warrant as consisted of such a warrant,
 - (b) any reference in subsection (4) of that section to a targeted examination warrant were a reference to so much of the combined warrant as consisted of such a warrant, and
 - (c) any other reference in that section to a warrant were a reference to the combined warrant.
- 29 Where under section 109(3) a Judicial Commissioner refuses to approve the decision to issue a combined warrant under Part 2 of this Schedule, section 110 has effect in relation to the combined warrant as if—
- (a) any reference in subsection (3)(b) or (c) of that section to a targeted equipment interference warrant were a reference to so much of the combined warrant as consisted of such a warrant,
 - (b) any reference in subsection (4) of that section to a targeted examination warrant were a reference to so much of the combined warrant as consisted of such a warrant, and
 - (c) any other reference in that section to a warrant were a reference to the combined warrant.

- 30 (1) This paragraph applies to any provision in Part 2 or 5 of this Act that enables a person to whom a warrant is addressed to require the provision of assistance in giving effect to the warrant.
- (2) In the case of a combined warrant containing such a warrant, the provision is to be read as enabling the person to whom the combined warrant is addressed to require the provision of assistance in giving effect to so much of the combined warrant as consists of such a warrant.
- (3) Accordingly, any power to serve a copy of a warrant for that purpose includes power, in the case of such a combined warrant, to serve the part of the combined warrant consisting of such a warrant.
- 31 Any reference in section 56 (exclusion of matters from legal proceedings etc.) to the making of an application for a warrant, or the issue of a warrant, under Chapter 1 of Part 2 of this Act includes a reference to—
- (a) the making of an application for a combined warrant that includes a warrant under that Chapter, so far as relating to disclosing or suggesting the inclusion of such a warrant, or
- (b) the inclusion of a warrant under that Chapter in a combined warrant.
- 32 (1) The reference in section 58(7) to the provisions of Part 2 of this Act is to be read, in the case of a combined warrant containing a targeted interception warrant or targeted examination warrant which the person who issued the combined warrant has power to issue under that Part, as including a reference to this Schedule.
- (2) The reference in section 133(4) to the provisions of Part 5 of this Act is to be read, in the case of a combined warrant containing a targeted equipment interference warrant or targeted examination warrant which the person who issued the combined warrant has power to issue under that Part, as including a reference to this Schedule.

Power to make consequential amendments

- 33 (1) The Secretary of State may by regulations make such provision modifying any provision made by or under an enactment (including this Schedule) as the Secretary of State considers appropriate in consequence of any provision made by this Schedule.
- (2) In sub-paragraph (1) “enactment” does not include any primary legislation passed or made after the end of the Session in which this Act is passed.