

Changes to legislation: Regulation of Investigatory Powers Act 2000, Paragraph 4 is up to date with all changes known to be in force on or before 28 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

PERSONS HAVING THE APPROPRIATE PERMISSION

Data obtained under statute by other persons but without a warrant

- 4 (1) This paragraph applies—
- (a) in the case of protected information falling within section 49(1)(a), (b) or (c) which is not information in the case of which paragraph 2 or 3 applies; and
 - (b) in the case of protected information falling within section 49(1)(d) which is not information also falling within section 49(1)(a), (b) or (c) in the case of which paragraph 3 applies.
- (2) Subject to paragraph 6, where—
- (a) the statutory power was exercised, or is likely to be exercised, by the police, [^{F1}the National Crime Agency], ^{F2}... [^{F3}Her Majesty's Revenue and Customs] or a member of Her Majesty's forces, or
 - (b) the information was provided or disclosed, or is likely to be provided or disclosed, to the police, [^{F1}the National Crime Agency], ^{F2}... [^{F3}Her Majesty's Revenue and Customs] or a member of Her Majesty's forces, or
 - (c) the information is in the possession of, or is likely to come into the possession of, the police, [^{F1}the National Crime Agency], ^{F2}... [^{F3}Her Majesty's Revenue and Customs] or a member of Her Majesty's forces,
- the police, [^{F1}the National Crime Agency], ^{F2}... [^{F3}Her Majesty's Revenue and Customs] or, as the case may be, members of Her Majesty's forces have the appropriate permission in relation to the protected information, without any grant of permission under paragraph 1.
- (3) In any other case a person shall not have the appropriate permission by virtue of a grant of permission under paragraph 1 unless he is a person falling within sub-paragraph (4).
- (4) A person falls within this sub-paragraph if, as the case may be—
- (a) he is the person who exercised the statutory power or is of the description of persons who would have been entitled to exercise it;
 - (b) he is the person to whom the protected information was provided or disclosed, or is of a description of person the provision or disclosure of the information to whom would have discharged the statutory duty; or
 - (c) he is a person who is likely to be a person falling within paragraph (a) or (b) when the power is exercised or the protected information provided or disclosed.

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Textual Amendments

- F1** Words in Sch. 2 para. 4(2) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 100(3)**; S.I. 2013/1682, art. 3(v)
- F2** Word in Sch. 2 para. 4(2) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 33(26)(b)**
- F3** Words in Sch. 2 para. 4(2) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, **Sch. 12 para. 29(1)**; S.I. 2008/219, art. 2(b)

Modifications etc. (not altering text)

- C1** Sch. 2 para. 4(2) restricted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), ss. 16, 17, 53(1), **Sch. 2 Pt. 1 para. 11(2)(c)**; S.I. 2005/1126, art. 2(2)(d)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)