

Changes to legislation: Regulation of Investigatory Powers Act 2000, Paragraph 5 is up to date with all changes known to be in force on or before 18 September 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 without the exercise of statutory powers

- 5 (1) This paragraph applies in the case of protected information falling within section 49(1)(e).
- (2) Subject to paragraph 6, a person has the appropriate permission in relation to that protected information (without any grant of permission under paragraph 1) if—
- (a) the information is in the possession of any of the intelligence services, or is likely to come into the possession of any of those services; and
 - (b) written permission for the giving of section 49 notices in relation to that information has been granted by the Secretary of State.
- (3) Sub-paragraph (2) applies where the protected information is in the possession, or (as the case may be) is likely to come into the possession, of both—
- (a) one or more of the intelligence services, and
 - (b) the police, [^{F1}the National Crime Agency]^{F2}... or [^{F3}Her Majesty's Revenue and Customs],

as if a grant of permission under paragraph 1 were unnecessary only where the application to the Secretary of State for permission under that sub-paragraph is made by or on behalf of a member of one of the intelligence services.

Textual Amendments

- F1** Words in Sch. 2 para. 5(3)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 100\(4\)](#); S.I. 2013/1682, art. 3(v)
- F2** Word in Sch. 2 para. 5(3)(b) 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\(26\)\(c\)](#)
- F3** Words in Sch. 2 para. 5(3)(b) 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)

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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](#)