

Changes to legislation: Regulation of Investigatory Powers Act 2000, Paragraph 8 is up to date with all changes known to be in force on or before 17 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 4

CONSEQUENTIAL AMENDMENTS

The Police Act 1997 (c. 50)

- 8 ^{F1}(1)
- (2) In section 93(3) of that Act (persons who may make an application to an authorising officer within section 93(5))—
- (a) in paragraph (a), for “(e)” there shall be substituted “ (ea) or (ee) ”; and
 - (b) after that paragraph there shall be inserted—
 - “(aa) if the authorising officer is within subsection (5)(eb) to (ed), by a member, as the case may be, of the Royal Navy Regulating Branch, the Royal Military Police or the Royal Air Force Police;”.
- (3) In section 94(1) of that Act (circumstances in which authorisations may be given in absence of authorising officer), in paragraph (b), for “, (f), (g) or (h)” there shall be substituted “ or (f) ”, and after that paragraph there shall be inserted “or
- (c) if the authorising officer is within paragraph (g) of section 93(5), it is also not reasonably practicable for the application to be considered either—
 - (i) by any other person designated for the purposes of that paragraph; or
 - (ii) by the designated deputy of the Director General of the National Crime Squad.”
- (4) In section 94(2) of that Act (persons who may act in absence of the authorising officer)—
- (a) after paragraph (d), there shall be inserted—
 - “(da) where the authorising officer is within paragraph (ea) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Ministry of Defence Police;
 - (db) where the authorising officer is within paragraph (eb) of that subsection, by a person holding the position of assistant Provost Marshal in the Royal Navy Regulating Branch;
 - (dc) where the authorising officer is within paragraph (ec) or (ed) of that subsection, by a person holding the position of deputy Provost Marshal in the Royal Military Police or, as the case may be, in the Royal Air Force Police;
 - (dd) where the authorising officer is within paragraph (ee) of that subsection, by a person holding the rank of deputy or assistant chief constable in the British Transport Police;”;

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(b) in paragraph (e), the words “or (g)” and “or, as the case may be, of the National Crime Squad” shall be omitted; and

(c) ^{F2}

(5) ^{F3}

(6) In section 95 of that Act (authorisations: form and duration etc.)—

(a) in each of subsections (4) and (5), for the words from “the action” onwards there shall be substituted “ the authorisation is one in relation to which the requirements of paragraphs (a) and (b) of section 93(2) are no longer satisfied. ”; and

(b) in subsection (6), for “or (e)” there shall be substituted “ , (e) or (g) ”.

(7) In section 97 of that Act (authorisations requiring approval), in subsection (6), the words from “(and paragraph 7” onwards shall be omitted, and after that subsection there shall be inserted—

“(6A) The reference in subsection (6) to the authorising officer who gave the authorisation or in whose absence it was given shall be construed, in the case of an authorisation given by or in the absence of a person within paragraph (b), (e) or (g) of section 93(5), as a reference to the Commissioner of Police, Chief Constable or, as the case may be, Director General mentioned in the paragraph concerned.”

(8) In section 103(7) of that Act (quashing authorisations), for the words from “and paragraph 7” onwards there shall be substituted “ and subsection (6A) of section 97 shall apply for the purposes of this subsection as it applies for the purposes of subsection (6) of that section. ”

(9) In section 105 of that Act (appeals by authorising officers: supplementary), in subsection (1)(a), the word “and” shall be inserted at the end of sub-paragraph (i), and sub-paragraph (iii) and the word “and” immediately preceding it shall be omitted.

^{F4}(10)

^{F4}(11)

(12) In section 108(1) of that Act after “In this Part—” there shall be inserted—

““Assistant Commissioner of Police of the Metropolis” includes the Deputy Commissioner of Police of the Metropolis;”.

(13) In Part VII of that Act, before section 134 there shall be inserted—

Meaning of “prevention” and “detection”.

“133A Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of “prevention” and “detection”) shall apply for the purposes of this Act as it applies for the purposes of the provisions of that Act not contained in Chapter I of Part I.”

Textual Amendments

F1 Sch. 4 para. 8(1) repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 Pt. 8 (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

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- F2** Sch. 4 para. 8(4)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(hh) (subject to art. 4(2)-(7))
- F3** Sch. 4 para. 8(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(hh) (subject to art. 4(2)-(7))
- F4** Sch. 4 para. 8(10)(11) repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

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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](#)