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**Changes to legislation:** Regulation of Investigatory Powers Act 2000, Cross Heading: Data obtained without the exercise of statutory powers is up to date with all changes known to be in force on or before 14 July 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

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## 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, [<sup>F1</sup>the National Crime Agency]<sup>F2</sup>... or [<sup>F3</sup>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](#)