



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 11

#### POLICING ETC

##### *Independent Police Complaints Commission*

#### **137 Provision of information to IPCC**

After paragraph 19 of Schedule 3 to the Police Reform Act 2002 there is inserted—

##### **“Investigations by the Commission: power to serve information notice**

19ZA (1) The Commission may serve upon any person an information notice requiring the person to provide it with information that it reasonably requires for the purposes of an investigation in accordance with paragraph 19.

(2) But an information notice must not require a person—

- (a) to provide information that might incriminate the person;
- (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
- (c) to make a disclosure that would be prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000;
- (d) to provide information that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information.

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- (3) Neither must an information notice require a postal or telecommunications operator (within the meaning of Chapter 2 of Part 1 of the Regulation of Investigatory Powers Act 2000) to provide communications data (within the meaning of that Chapter).
- (4) An information notice must—
  - (a) specify or describe the information that is required by the Commission and the form in which it must be provided;
  - (b) specify the period within which the information must be provided;
  - (c) give details of the right of appeal against the information notice under paragraph 19ZC.
- (5) The period specified under sub-paragraph (4)(b) must not end before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the information need not be provided pending the determination or withdrawal of the appeal.
- (6) The Commission may cancel an information notice by written notice to the person on whom it was served.

#### **Failure to comply with information notice**

- 19ZB (1) If a person who has received an information notice—
- (a) fails or refuses to provide the information required by the notice, or
  - (b) knowingly or recklessly provides information in response to the notice that is false in a material respect,
- the Commission may certify in writing to the High Court that the person has failed to comply with the information notice.
- (2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

#### **Appeals against information notices**

- 19ZC (1) A person on whom an information notice is served may appeal against the notice to the First-tier Tribunal on the ground that the notice is not in accordance with the law.
- (2) If the Tribunal considers that the notice is not in accordance with the law—
- (a) it must quash the notice, and
  - (b) it may give directions to the Commission in relation to the service of a further information notice.

#### **Sensitive information: restriction on further disclosure**

- 19ZD (1) Where the Commission receives information within sub-paragraph (2) under an information notice, it must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has received it, unless the relevant authority consents to the disclosure.
- (2) The information is—

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- (a) intelligence service information,
  - (b) intercept information, or
  - (c) information obtained (directly or indirectly) from a government department which, at the time it is provided to the Commission, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority, cause damage to—
    - (i) national security or international relations, or
    - (ii) the economic interests of the United Kingdom or any part of the United Kingdom.
- (3) Where the Commission discloses to another person information within subparagraph (2), or the fact that it has received it, that person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (4) In this paragraph—
  - “government department” means a department of Her Majesty’s Government but does not include—
    - (a) the Security Service,
    - (b) the Secret Intelligence Service, or
    - (c) the Government Communications Headquarters (“GCHQ”);
  - “intelligence service information” means information which was obtained (directly or indirectly) from an intelligence service or which relates to an intelligence service;
  - “intelligence service” means—
    - (a) the Security Service,
    - (b) the Secret Intelligence Service,
    - (c) GCHQ, or
    - (d) any part of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006), or of the Ministry of Defence, which engages in intelligence activities;
  - “intercept information” means information relating to any of the matters mentioned in section 19(3) of the Regulation of Investigatory Powers Act 2000;
  - “Minister of the Crown” includes the Treasury;
  - “relevant authority” means—
    - (a) in the case of intelligence service information obtained from the Security Service, the Director-General of the Security Service;
    - (b) in the case of intelligence service information obtained from the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
    - (c) in the case of intelligence service information obtained from GCHQ, the Director of GCHQ;
    - (d) in the case of intelligence service information obtained from Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
    - (e) in the case of intercept information, the person to whom the relevant interception warrant is or was addressed;

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- (f) in the case of information within sub-paragraph (2)(c)—
- (i) the Secretary of State, or
  - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant interception warrant” means the interception warrant issued under section 5 of the Regulation of Investigatory Powers Act 2000 that relates to the intercept information.”

#### Commencement Information

**II** [S. 137](#) in force at 8.4.2015 by [S.I. 2015/373](#), [art. 5\(b\)](#)

**Changes to legislation:**

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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. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)