

SCHEDULE

CONSEQUENTIAL AMENDMENTS

PART 1

REGULATION OF INVESTIGATORY POWERS ACT 2000

Introductory

- 1 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Orders under section 30 for Northern Ireland

- 2 In section 31 (orders under section 30 for Northern Ireland), in subsection (1), after “authorisations” insert “under section 28 or 29”.

Granting authorisations

- 3 In the heading before section 32A (authorisations requiring judicial approval), after “approval” insert “or notification”.
- 4 (1) Section 33 (rules for grant of authorisations) is amended as follows.
- (2) In subsection (1), for “or 29” substitute “, 29 or 29B”.
- (3) In subsection (1ZB), for “or 29” substitute “, 29 or 29B”.
- (4) In subsection (1ZC)(b), for “or 29” substitute “, 29 or 29B”.
- (5) In subsection (1A), for “or 29” substitute “, 29 or 29B”.
- (6) In subsection (2), for “or 29” substitute “, 29 or 29B”.
- 5 (1) Section 33A (further provision about granting authorisations in cases where the National Crime Agency is party to a collaboration agreement) is amended as follows.
- (2) In subsection (2), for “or 29” substitute “, 29 or 29B”.
- (3) In subsection (3), for “or 29” substitute “, 29 or 29B”.
- (4) In subsection (4), for “or 29” substitute “, 29 or 29B”.

General rules about grant, renewal, duration and cancellation

- 6 (1) Section 43 (general rules about grant, renewal and duration) is amended as follows.
- (2) In subsection (3)(b), after “source” insert “or is an authorisation under section 29B”.
- (3) In subsection (6), after “source” insert “or an authorisation under section 29B”.
- 7 (1) Section 45 (cancellation of authorisations) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “29(2)(a) and (b)” insert “, 29B(4)(a) and (b)”;
(b) omit the “or” at the end of that paragraph;

Status: This is the original version (as it was originally enacted).

- (c) at the end of paragraph (b) insert—
- “(c) in the case of an authorisation under section 29B where the source is under the age of 18 (“the juvenile source”), the person—
- (i) becomes aware of circumstances in which it is reasonably foreseeable that harm, within the meaning of section 29C(5), to the juvenile source would result from the authorisation,
 - (ii) is satisfied that the authorisation would no longer be compatible with the need to safeguard and promote the best interests of the juvenile source, or
 - (iii) is satisfied that arrangements for the juvenile source’s case that satisfy the requirements of subsection (3)(c) of section 29C no longer exist; or
- (d) in the case of any authorisation under section 29B, the person is satisfied that any arrangements for the source’s case required to satisfy any requirements mentioned in subsection (4)(c) of that section no longer exist”.

(3) In subsection (2), for “either” substitute “any”.

(4) In subsection (3), for “either” substitute “any”.

8 In section 46 (restrictions on authorisations extending to Scotland)—

- (a) in subsection (2)(d), after “conduct of” insert “or in relation to”;
- (b) after subsection (4) insert—

“(5) No person may grant or renew a section 29B(5)(b) authorisation if it appears to the person that all or some of the conduct authorised by the section 29B(5)(b) authorisation is likely to take place in Scotland.

(6) But subsection (5) does not apply if the grant or renewal of the section 29B(5)(b) authorisation is for a purpose relating to a reserved matter (within the meaning of the Scotland Act 1998).

(7) For the purposes of subsections (5) and (6), “a section 29B(5)(b) authorisation” means an authorisation under section 29B in so far as it is granted or, as the case may be, renewed on the grounds that it is necessary on grounds falling within section 29B(5)(b).”

Authorising authorities

9 (1) Part 1 of Schedule 1 (relevant authorities for the purposes of sections 28 and 29) is amended as follows.

(2) In the heading of the Part, after “purposes” insert “only”.

(3) Omit—

- (a) paragraph 1 (any police force);
- (b) paragraph 2 (National Crime Agency);
- (c) paragraph 4 (Serious Fraud Office);
- (d) paragraph 5 (intelligence services) and the italic heading before it;

Status: This is the original version (as it was originally enacted).

- (e) paragraph 6 (armed forces) and the italic heading before it;
- (f) paragraph 7 (Her Majesty's Revenue and Customs) and the italic heading before it;
- (g) paragraph 12 (Department of Health and Social Care);
- (h) paragraph 13 (Home Office);
- (i) paragraph 13ZA (Ministry of Justice);
- (j) paragraph 18 (Environment Agency);
- (k) paragraph 19 (Financial Conduct Authority);
- (l) paragraph 20 (Food Standards Agency);
- (m) paragraph 20A (Gambling Commission);
- (n) paragraph 20B (Competition and Markets Authority).