

Status: Point in time view as at 13/11/2023.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2021, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 4 U.K.

SERVICE POLICE: COMPLAINTS, MISCONDUCT ETC

Investigatory Powers

- 2 (1) The Investigatory Powers Act 2016 is amended as follows.
- (2) In section 58 (section 57: meaning of “excepted disclosure”), in subsection (4), after paragraph (c) insert—
- “(ca) a disclosure made to the Service Police Complaints Commissioner for the purposes of facilitating the carrying out of any of the Commissioner’s functions;”.
- (3) In section 106 (power to issue warrants to law enforcement officers), after subsection (11) insert—
- “(11A) A law enforcement chief who is the Service Police Complaints Commissioner may consider that the condition in subsection (1)(a) is satisfied only if the offence, or all of the offences, to which the serious crime relates are offences that are being investigated as part of an investigation carried out under regulations under section 340P of the Armed Forces Act 2006 (power to make further provision).”
- (4) In section 107 (restriction on issue of warrants to certain law enforcement officers), in subsection (2), after paragraph (h) insert—
- “(ha) the Service Police Complaints Commissioner;”.
- (5) In section 133 (section 132: meaning of “excepted disclosure”), in subsection (3), after paragraph (b) insert—
- “(ba) a disclosure made to the Service Police Complaints Commissioner for the purposes of facilitating the carrying out of any of the Commissioner’s functions;”.
- (6) In Part 1 of Schedule 4 (relevant public authorities and designated senior officers etc), after the entry relating to the Independent Office for Police Conduct, insert—

“Service Police Complaints Commissioner	60A(7)(b) and (g)	Senior investigating officer	All	61A(7)(a) and (e)”.
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- (7) In Part 2 of Schedule 6 (issue of warrants under section 106 etc), after the entry relating to the Director General of the Independent Office for Police Conduct, insert—

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“The Service Police Complaints Commissioner.	A member of the Service Police Complaints Commissioner’s staff who is designated by the Commissioner for the purpose.	An investigating officer appointed under section 365BB”.
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Commencement Information

- I1** Sch. 4 para. 2 not in force at Royal Assent, see [s. 24\(1\)](#)
I2 [Sch. 4 para. 2](#) in force at 1.11.2022 for specified purposes by [S.I. 2022/1095](#), [reg. 3](#)
I3 [Sch. 4 para. 2](#) in force at 19.6.2023 in so far as not already in force by [S.I. 2023/621](#), [reg. 2](#)

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