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## SCHEDULES

### SCHEDULE 2

#### PERSONS HAVING THE APPROPRIATE PERMISSION

##### *General requirements relating to the appropriate permission*

- 6 (1) A person does not have the appropriate permission in relation to any protected information unless he is either—
- (a) a person who has the protected information in his possession or is likely to obtain possession of it; or
  - (b) a person who is authorised (apart from this Act) to act on behalf of such a person.
- (2) Subject to sub-paragraph (3), a constable does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless—
- (a) he is of or above the rank of superintendent; or
  - (b) permission to give a section 49 notice in relation to that information has been granted by a person holding the rank of superintendent, or any higher rank.
- (3) In the case of protected information that has come into the police’s possession by means of the exercise of powers conferred by—
- (a) [<sup>F1</sup>section 47A ] of the <sup>M1</sup>Terrorism Act 2000 (power to stop and search) [<sup>F2</sup>“(including that section as it had effect by virtue of the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631)], or
  - (b) [<sup>F3</sup>section 44 of the Terrorism Act 2000 or] section 13A or 13B of the <sup>M2</sup>Prevention of Terrorism (Temporary Provisions) Act 1989 (which [<sup>F4</sup>previously had effect for similar purposes],
- the permission required by sub-paragraph (2) shall not be granted by any person below the rank mentioned in [<sup>F5</sup>paragraph 14(1) and (2) of Schedule 6B to that Act of 2000 (see the definition of “senior police officer”),] section 44(4) of that Act of 2000 or, as the case may be, section 13A(1) of that Act of 1989.
- [<sup>F6</sup>(3A) A member of the staff of the Serious Organised Crime Agency does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless permission to give a section 49 notice in relation to that information has been granted—
- (a) by the Director General; or
  - (b) by a member of the staff of the Agency of or above such level as the Director General may designate for the purposes of this sub-paragraph.]
- [<sup>F7</sup>(3B) .....
- (4) [<sup>F8</sup>An officer of Revenue and Customs] does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless permission to give a section 49 notice in relation to that information has been granted—

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- (a) by [<sup>F9</sup>the Commissioners for Her Majesty's Revenue and Customs]; or
  - (b) by an officer of [<sup>F10</sup>Revenue and Customs] of or above such level as [<sup>F11</sup>the Commissioners] may designate for the purposes of this sub-paragraph.
- (5) A member of Her Majesty's forces does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless—
- (a) he is of or above the rank of lieutenant colonel or its equivalent; or
  - (b) permission to give a section 49 notice in relation to that information has been granted by a person holding the rank of lieutenant colonel or its equivalent, or by a person holding a rank higher than lieutenant colonel or its equivalent.
- [<sup>F12</sup>(6) In sub-paragraph (2) “constable” does not include a constable who is a member of the staff of the Serious Organised Crime Agency <sup>F13</sup>....]

#### Textual Amendments

- F1** Words in Sch. 2 para. 6(3)(a) substituted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 27\(a\)\(i\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)
- F2** Words in Sch. 2 para. 6(3)(a) inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 27\(a\)\(ii\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)
- F3** Words in Sch. 2 para. 6(3)(b) inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 27\(b\)\(i\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)
- F4** Words in Sch. 2 para. 6(3)(b) substituted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 27\(b\)\(ii\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)
- F5** Words in Sch. 2 para. 6(3) inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 27\(c\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)
- F6** Sch. 2 para. 6(3A) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 59, 178, Sch. 4 para. 156\(5\)\(a\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to art. 4(2)-(7))
- F7** Sch. 2 para. 6(3B) 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\(26\)\(d\)\(i\)](#)
- F8** Words in Sch. 2 para. 6(4) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 88, 94, Sch. 12 para. 29\(2\)\(a\)](#); S.I. 2008/219, [art. 2\(a\)](#)
- F9** Words in Sch. 2 para. 6(4) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 88, 94, Sch. 12 para. 29\(2\)\(a\)](#); S.I. 2008/219, [art. 2\(b\)](#)
- F10** Words in Sch. 2 para. 6(4) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 88, 94, Sch. 12 para. 29\(2\)\(a\)](#); S.I. 2008/219, [art. 2\(c\)](#)
- F11** Words in Sch. 2 para. 6(4) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 88, 94, Sch. 12 para. 29\(2\)\(a\)](#); S.I. 2008/219, [art. 2\(d\)](#)
- F12** Sch. 2 para. 6(6) added (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 59, 178, Sch. 4 para. 156\(5\)\(b\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to art. 4(2)-(7))
- F13** Words in Sch. 2 para. 6(6) 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\(26\)\(d\)\(ii\)](#)

#### Modifications etc. (not altering text)

- C1** Sch. 2 para. 6(3) modified (18.3.2011) by [The Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\), arts. 1, 5, Sch. 2 para. 4](#)

#### Marginal Citations

- M1** 2000 c. 11.

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**M2** 1989 c. 4.

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