

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) section 44 of the Terrorism Act 2000 (power to stop and search), or
 - (b) section 13A or 13B of the Prevention of Terrorism (Temporary Provisions) Act 1989 (which had effect for similar purposes before the coming into force of section 44 of the Terrorism Act 2000),
- the permission required by sub-paragraph (2) shall not be granted by any person below the rank mentioned in section 44(4) of that Act of 2000 or, as the case may be, section 13A(1) of that Act of 1989.
- (4) A person commissioned by the Commissioners of Customs and Excise 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 those Commissioners themselves; or
 - (b) by an officer of their department of or above such level as they 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.