



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 1

#### POLICE REFORM

##### *Police co-operation*

#### **7 Authorisations for obtaining and disclosing communications data**

- (1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.
- (2) In section 22 (obtaining and disclosing communications data) after subsection (3) insert—
  - “(3A) Subsection (3B) applies if—
    - (a) a person is the designated person by reference to an office, rank or position with a police force; and
    - (b) the chief officer of police of that force has made an agreement under section 23(1) of the Police Act 1996 with the chief officer of police of one or more other police forces.
  - (3B) The designated person may grant an authorisation for persons holding offices, ranks or positions with a collaborative force to engage in any conduct to which this Chapter applies.
  - (3C) For the purposes of subsection (3B) a police force is a collaborative force if—
    - (a) its chief officer of police is a party to the agreement mentioned in subsection (3A)(b); and
    - (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be granted authorisations by the designated person.
  - (3D) A reference in subsections (3A) to (3C) to a police force is to the following—

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*Status: Point in time view as at 25/01/2010. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 7. (See end of Document for details)*

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- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
  - (b) the metropolitan police force; and
  - (c) the City of London police force.
- (3E) Subsection (3F) applies if—
- (a) a person is the designated person by reference to an office, rank or position with a Scottish police force; and
  - (b) the chief constable of that force has made an agreement under section 12(1) of the Police (Scotland) Act 1967 with the chief constable of one or more other Scottish police forces.
- (3F) The designated person may grant an authorisation for persons holding offices, ranks or positions with a collaborative force to engage in any conduct to which this Chapter applies.
- (3G) For the purposes of subsection (3F) a Scottish police force is a collaborative force if—
- (a) its chief constable is a party to the agreement mentioned in subsection (3E)(b); and
  - (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be granted authorisations by the designated person.
- (3H) A reference in subsections (3E) to (3G) to a Scottish police force is to a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.
- (3I) Subsections (3B) and (3F) are subject to subsection (5).”
- (3) In section 23 (form and duration of authorisations and notices), in subsection (3) at the end insert “ (subject to subsections (3A) and (3D)) ”.
- (4) In that section, after subsection (3) insert—
- “(3A) The provisions of a notice under section 22(4) may specify or otherwise identify a person for the purposes of subsection (3)(b) above if—
- (a) the person giving the notice holds an office, rank or position with a police force (“notifying force”);
  - (b) the chief officer of police of the notifying force has made an agreement under section 23(1) of the Police Act 1996 with the chief officer of police of one or more other police forces; and
  - (c) the person specified in or otherwise identified in the notice holds an office, rank or position with a collaborative force.
- (3B) For the purposes of subsection (3A) a police force is a collaborative force if—
- (a) its chief officer of police is a party to the agreement mentioned in subsection (3A)(b); and
  - (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be specified or otherwise identified in notices under section 22(4) given by a person holding an office, rank or position with the notifying force.
- (3C) A reference in subsections (3A) and (3B) to a police force is to the following—

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- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
  - (b) the metropolitan police force; and
  - (c) the City of London police force.
- (3D) The provisions of a notice under section 22(4) may also specify or otherwise identify a person for the purposes of subsection (3)(b) above if—
- (a) the person giving the notice holds an office, rank or position with a Scottish police force (“Scottish notifying force”);
  - (b) the chief constable of the Scottish notifying force has made an agreement under section 12(1) of the Police (Scotland) Act 1967 with the chief constable of one or more other Scottish police forces; and
  - (c) the person specified in or otherwise identified in the notice holds an office, rank or position with a collaborative force.
- (3E) For the purposes of subsection (3D) a Scottish police force is a collaborative force if—
- (a) its chief constable is a party to the agreement mentioned in subsection (3D)(b); and
  - (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be specified or otherwise identified in notices under section 22(4) given by a person holding an office, rank or position with the Scottish notifying force.
- (3F) A reference in subsections (3D) and (3E) to a Scottish police force is to a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.”

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**Commencement Information**

**II** S. 7 in force at 25.1.2010 by S.I. 2009/3096, art. 3(b)

**Status:**

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**Changes to legislation:**

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