

Status: Point in time view as at 05/02/2019.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 6 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 106

ISSUE OF WARRANTS UNDER SECTION 106 ETC: TABLE

PART 1

TABLE: PART 1

Commencement Information

II Sch. 6 Pt. 1 in force at 28.11.2018 by S.I. 2018/1246, reg. 2(h)

<i>Law enforcement chiefs</i>	<i>Appropriate delegates</i>	<i>Appropriate law enforcement officers</i>
The Chief Constable of a police force maintained under section 2 of the Police Act 1996.	<p>The person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996.</p> <p>The person holding the rank of assistant chief constable designated to act under section 12A(2) of that Act.</p> <p>If it is not reasonably practicable for either of those persons to act, any other person holding the rank of assistant chief constable in the force.</p>	A member of the police force, a member of a collaborative force or a National Crime Agency officer who is included in a collaboration agreement with the police force.
The Commissioner, or an Assistant Commissioner, of the metropolitan police force.	A person holding the rank of commander in the metropolitan police force.	A member of the metropolitan police force, a member of a collaborative force or a National Crime Agency officer who is included in a collaboration agreement with the metropolitan police force.
The Commissioner of Police for the City of London.	The person authorised to act under section 25 of the City of London Police Act 1839 or, if it is not reasonably practicable for that person to	A member of the City of London police force, a member of a collaborative force or a National Crime Agency officer who is

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	act, a person holding the rank of commander in the City of London police force.	included in a collaboration agreement with the City of London police force.
The chief constable of the Police Service of Scotland.	Any deputy chief constable or assistant chief constable of the Police Service of Scotland who is designated for the purpose by the chief constable.	A constable of the Police Service of Scotland.
The Chief Constable or a Deputy Chief Constable of the Police Service of Northern Ireland.	A person holding the rank of assistant chief constable in the Police Service of Northern Ireland.	A member of the Police Service of Northern Ireland.
The Director General of the National Crime Agency.	A senior National Crime Agency Officer designated for the purpose by the Director General of the National Crime Agency.	A National Crime Agency officer or a member of a collaborative police force.
The Chief Constable of the British Transport Police Force.	A person holding the rank of deputy or assistant chief constable in the British Transport Police Force.	A member of the British Transport Police Force.
The Chief Constable of the Ministry of Defence Police.	A person holding the rank of deputy chief constable or assistant chief constable in the Ministry of Defence Police.	A member of the Ministry of Defence Police.
The Provost Marshal of the Royal Navy Police.	A person holding the position of deputy Provost Marshal in the Royal Navy Police.	A member of the Royal Navy Police.
The Provost Marshal of the Royal Military Police.	A person holding the position of deputy Provost Marshal in the Royal Military Police.	A member of the Royal Military Police.
The Provost Marshal of the Royal Air Force Police.	A person holding the position of deputy Provost Marshal in the Royal Air Force Police.	A member of the Royal Air Force Police.

PART 2

TABLE: PART 2

Commencement Information

I2 Sch. 6 Pt. 2 in force at 28.11.2018 by S.I. 2018/1246, reg. 2(h)

Law enforcement chiefs

Appropriate delegates

*Appropriate
enforcement officers*

law

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An immigration officer who is a senior official and who is designated for the purpose by the Secretary of State.	A senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purpose by the Secretary of State.	An immigration officer.
An officer of Revenue and Customs who is a senior official and who is designated for the purpose by the Commissioners for Her Majesty's Revenue and Customs.	An officer of Revenue and Customs who is a senior official and who is designated for the purpose by the Commissioners for Her Majesty's Revenue and Customs.	An officer of Revenue and Customs.
A designated customs official who is a senior official and who is designated for the purpose by the Secretary of State.	A designated customs official who is a senior official and who is designated for the purpose by the Secretary of State.	A designated customs official.
The Chair of the Competition and Markets Authority.	An officer of the Competition and Markets Authority designated by it for the purpose.	An officer of the Competition and Markets Authority.
[^{F1} The Director General of the Independent Office for Police Conduct.	A person falling within paragraph 6A(2) of Schedule 2 to the Police Reform Act 2002 who is designated by the Director General for the purpose.]	A person designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002 to take charge of, or to assist with, the investigation to which the warrant under section 106(1) relates (or would relate if issued).
The Police Investigations and Review Commissioner.	A staff officer of the Police Investigations and Review Commissioner who is designated by the Commissioner for the purpose.	A staff officer of the Police Investigations and Review Commissioner.

Textual Amendments

- F1** Words in Sch. 6 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 74(7)**; S.I. 2017/1249, reg. 2 (with reg. 3)

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PART 3

INTERPRETATION OF THE TABLE

Commencement Information

I3 Sch. 6 Pt. 3 in force at 28.11.2018 by S.I. 2018/1246, reg. 2(h)

- 1
 - (1) This paragraph applies for the purposes of the first three entries in Part 1 of the table.
 - (2) A police force (police force 1) is a collaborative force in relation to another police force (police force 2) if—
 - (a) the chief officers of both police forces are parties to the same agreement under section 22A of the Police Act 1996, and
 - (b) the members of police force 1 are permitted by the terms of the agreement to make applications under section 106 to the chief officer of police force 2.
 - (3) A National Crime Agency officer is included in a collaboration agreement with a police force if—
 - (a) the Director General of the National Crime Agency and the chief officer of the police force are parties to the same agreement under section 22A of the Police Act 1996, and
 - (b) the National Crime Agency officer is permitted by the terms of the agreement to make applications under section 106 to the chief officer of the police force.
- 2
 - (1) This paragraph applies for the purposes of the sixth entry in Part 1 of the table (which relates to the National Crime Agency).
 - (2) A police force is a collaborative police force in relation to the National Crime Agency if—
 - (a) the chief officer of the police force and the Director General of the National Crime Agency are parties to the same agreement under section 22A of the Police Act 1996, and
 - (b) the members of the police force are permitted by the terms of the agreement to make applications under section 106 to the Director General of the National Crime Agency.
- 3

For the purpose of the sixth entry in Part 2 of the table, the reference to a staff officer of the Police Investigations and Review Commissioner is a reference to any person who—

 - (a) is a member of the Commissioner's staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), or
 - (b) is a member of the Commissioner's staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies.
- 4

In this Schedule, “police force” means—

 - (a) any police force maintained under section 2 of the Police Act 1996;
 - (b) the metropolitan police force;
 - (c) the City of London police force.

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