

SCHEDULE 1

Amendments of the Investigatory Powers Act 2016

10.—(1) Section 70 (relevant public authorities and designated senior officers) is amended as follows.

(2) After subsection (2) insert—

“(2A) An authorisation under section 60A may be granted on the application of a relevant public authority listed in column 1 of the table only if section 60A(1)(a) is met in relation to a purpose within one of the paragraphs of section 60A(7) specified in the corresponding entry in column 2 of the table.”.

(3) In subsection (3)—

(a) in paragraph (a), for “column 2” substitute “ column 3 ”;

(b) in paragraph (b), for “column 2” substitute “ column 3 ”.

(4) In subsection (4), for “column 2” substitute “ column 3 ”.

(5) After subsection (5) insert—

“(5A) A person who is a designated senior officer of a relevant public authority by virtue of subsection (3) and an entry in column 3 of the table may grant an authorisation under section 61—

(a) only for obtaining communications data of the kind specified in the corresponding entry in column 4 of the table,

(b) only if one or more paragraphs of section 61(7) is specified in the corresponding entry in column 5 of the table, and

(c) only if section 61(1)(a) is met in relation to a purpose within the specified paragraph or, if more than one paragraph is specified, a purpose within one of them.”.

(6) In subsection (6)—

(a) in the words before paragraph (a)—

(i) for “column 2” substitute “ column 3 ”;

(ii) after “authorisation” insert “ under section 61A ”;

(b) in paragraph (a), for “column 3” substitute “ column 4 ”;

(c) omit the “and” following paragraph (a);

(d) for paragraph (b) substitute—

“(b) only if one or more paragraphs of section 61A(7) is specified in the corresponding entry in column 6 of the table, and

(c) only if section 61A(1)(a) is met in relation to a purpose within the specified paragraph or, if more than one paragraph is specified, a purpose within one of them.”.

(7) In subsection (7)—

(a) for “column 2” substitute “ column 3 ”;

(b) for “subsection (6) applies” substitute “ subsections (5A) and (6) apply ”.

Status:

Point in time view as at 01/11/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Data Retention and Acquisition Regulations 2018, Paragraph 10.