

## SCHEDULES

### SCHEDULE 19

Section 157(5)

#### AMENDMENTS WHERE NCA IS PARTY TO POLICE COLLABORATION AGREEMENT

##### *Police Act 1997 (c. 50)*

- 1 (1) Section 93 of the Police Act 1997 (authorisations to interfere with property etc) is amended as follows.
- (2) In subsection (1B), after “National Crime Agency officer” insert “giving an authorisation on an application made by virtue of subsection (3)(b)(i)”.
- (3) In subsection (3)—
- (a) omit “or” at the end of paragraph (za)(i);
  - (b) in paragraph (za)(ii) for “section 23(1)” substitute “section 22A”;
  - (c) at the end of paragraph (za)(ii) insert “or  
(iii) in a case where the chief officer of police of the authorising force has made an agreement under that section with the Director General of the National Crime Agency, by a National Crime Agency officer (but see subsection (3AA));”;
  - (d) in paragraph (b)—
    - (i) for “subsection (5)(f), by” substitute “subsection (5)(f)—  
(i) by”;
    - (ii) at the end insert “or  
(ii) in a case where the Director General of the National Crime Agency has made an agreement under section 22A of the Police Act 1996 with the chief officer of police of one or more police forces, by a member of a collaborative force;”.
- (4) After subsection (3A) insert—
- “(3AA) A National Crime Agency officer may make an application by virtue of subsection (3)(za)(iii) only if permitted by the terms of the agreement mentioned in that provision to make applications for authorisations under this section to the authorising officer of the authorising force.
- (3AB) For the purposes of subsection (3)(b), a police force is a collaborative force if—
- (a) its chief officer of police is a party to the agreement mentioned in that provision, and
  - (b) its members are permitted by the terms of the agreement to make applications for authorisations under this section to the authorising officer mentioned in that provision.

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*Status: This is the original version (as it was originally enacted).*

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Paragraph (b) of subsection (3A) applies for the purposes of this subsection.”

(5) In subsection (6)—

(a) after paragraph (aa) insert—

“(ab) in relation to a person within any of those paragraphs to whom an application is made by virtue of subsection (3)(za)(iii), means the area in England and Wales for which—

- (i) the person’s police force is maintained, or
- (ii) any other police force whose chief officer of police is a party to the agreement mentioned in subsection (3)(za)(iii) is maintained,

and which is specified in relation to NCA officers in the agreement mentioned in that provision;”;

(b) after paragraph (cb) insert—

“(cba) in relation to a person within subsection (5)(f) to whom an application is made by virtue of subsection (3)(b)(ii), means the area in England and Wales—

- (i) for which any collaborative force (within the meaning of subsection (3AB)) is maintained, and
- (ii) which is specified in relation to members of that force in the agreement mentioned in subsection (3)(b)(ii);”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

2 The Regulation of Investigatory Powers Act 2000 is amended as follows.

3 (1) Section 29 (authorisation of covert human intelligence sources) is amended as follows.

(2) For subsection (2A) substitute—

“(2A) For the meaning of “relevant collaborative unit” in subsection (2)(c)(i), see section 29A.”

(3) In subsection (4A), at the end of paragraph (a) insert “(see section 29A for the meaning of “qualifying person”)”.

(4) Omit subsection (7A).

(5) Omit subsection (10).

4 After section 29 insert—

**“29A Section 29: supplementary provision in relation to relevant collaborative units**

(1) For the purposes of section 29(2)(c)(i), a “relevant collaborative unit” is a unit that falls within subsection (2) or (3).

(2) A unit falls within this subsection if—

- (a) it consists of two or more police forces whose chief officers of police have made an agreement under section 22A of the Police Act 1996, and

- (b) the agreement relates to the discharge by persons holding offices, ranks or positions with any of the forces of functions in connection with the conduct or use of the covert human intelligence source concerned.
- (3) A unit falls within this subsection if—
- (a) it consists of one or more police forces and the National Crime Agency,
  - (b) it is in place by virtue of an agreement made under section 22A of the Police Act 1996, and
  - (c) the agreement relates to the discharge by persons holding offices, ranks or positions within any such force, or by persons who are National Crime Agency officers, of functions in connection with the conduct or use of the covert human intelligence source concerned.
- (4) In the case of a relevant collaborative unit that falls within subsection (2), a person is a “qualifying person” for the purposes of section 29(4A) if—
- (a) the person holds an office, rank or position with a police force whose chief officer of police is a party to the agreement mentioned in subsection (2)(a) above, and
  - (b) the person is permitted by the terms of the agreement to have the responsibility mentioned in section 29(4A)(a) or (c) or the general oversight mentioned in section 29(4A)(b).
- (5) In the case of a relevant collaborative unit that falls within subsection (3), a person is a qualifying person for the purposes of section 29(4A) if—
- (a) the person—
    - (i) is a National Crime Agency officer, or
    - (ii) holds an office, rank or position with a police force whose chief officer of police is a party to the agreement mentioned in subsection (3)(b) above, and
  - (b) the person is permitted by the terms of the agreement to have the responsibility mentioned in section 29(4A)(a) or (c) or the general oversight mentioned in section 29(4A)(b).
- (6) For the purposes of this section references to a police force are to the following—
- (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.”
- 5 (1) Section 33 (rules for grant of authorisations) is amended as follows.
- (2) In subsection (1), after “(1ZB)” insert “and section 33A”.
- (3) In subsection (1ZA), for “23(1)” substitute “22A”.
- (4) In subsection (1A), at the end insert “(subject to section 33A)”.
- (5) In subsection (3), after “(3ZB)” insert “and section 33A”.
- (6) In subsection (3ZA), in paragraph (a) for “23(1)” substitute “22A”.

- (7) In subsection (3A), at the end insert “(subject to section 33A)”.
- 6 After section 33 insert—

**“33A Section 33: further provision in cases where NCA is party to collaboration agreement**

- (1) This section applies where the Director General of the National Crime Agency has made a collaboration agreement with the chief officer of police of one or more police forces (a “collaborative police force”).
- (2) A person who is a designated person for the purposes of section 28 or 29 by reference to an office, rank or position with a collaborative police force may grant an authorisation under that section on an application made by a National Crime Agency officer.
- (3) A person who is a designated person for the purposes of section 28 or 29 by reference to their position as a National Crime Agency officer may grant an authorisation under that section on an application made by a member of a collaborative police force.
- (4) Authorisations may be granted to persons by virtue of subsection (2) or (3) only if such persons are permitted under the terms of the collaboration agreement to make applications for authorisations under section 28 or 29 to a person who is a designated person for the purposes of that section—
  - (a) in the case of authorisations granted by virtue of subsection (2), by reference to an office, rank or position with the collaborative police force concerned, or
  - (b) in the case of authorisations granted by virtue of subsection (3), by reference to the person’s position as a National Crime Agency officer.
- (5) A person who is a senior authorising officer by reference to a collaborative police force may grant an authorisation for the carrying out of intrusive surveillance on an application made by a National Crime Agency officer.
- (6) The Director General of the National Crime Agency, or a person designated for the purposes of section 32(6)(k) by that Director General, may grant an authorisation for the carrying out of intrusive surveillance on an application made by a member of a collaborative police force.
- (7) Authorisations may be granted to persons by virtue of subsection (5) or (6) only if such persons are permitted under the terms of the collaboration agreement to make applications for authorisations for the carrying out of intrusive surveillance to a person who—
  - (a) in the case of authorisations granted by virtue of subsection (5), is a senior authorising officer by reference to the collaborative police force concerned, or
  - (b) in the case of authorisations granted by virtue of subsection (6), is the Director General of the National Crime Agency or a person designated for the purposes of section 32(6)(k) by that Director General.

- (8) In the case of an application made by virtue of subsection (5) or (6) for the carrying out of intrusive surveillance in relation to any residential premises, authorisation may be granted only in relation to premises in the area which is—
- (a) the area of operation of a collaborative police force, and
  - (b) specified in relation to members of that force in the collaboration agreement.
- (9) For the purposes of this section the area of operation of a collaborative police force is the area for which that force is maintained.
- (10) In this section—
- “collaboration agreement” means an agreement made under section 22A of the Police Act 1996;
  - “collaborative police force” has the meaning given by subsection (1);
  - “police force” has the meaning given by section 33(5A).”