

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

OTHER AUTHORISATIONS

Supplemental provision for Part II

Section 47: Power to extend or modify authorisation provisions

253. The Secretary of State may, by order, change the types of activities which fall within the category of directed surveillance by providing that a type of directed surveillance will be treated as intrusive surveillance. Furthermore, he may, by order, provide that additional types of surveillance, which are not at present defined as directed or intrusive surveillance in section 26, will be covered by the Act and become capable of being authorised under Part II.

Section 48: Interpretation of Part II

254. This section gives interpretations for the terms used in this Part. Amongst other things, it gives an interpretation for “surveillance” and clarifies that this does not include references to:

- the use of a recording device by a covert human intelligence source to record any information obtained in the presence of the source (*subsection (3)(a) and (b)*);
- activity involving interference with property or wireless telegraphy which requires authorisation or warrant under section 5 of the Intelligence Services Act 1994 or Part III of the Police Act 1997 (*subsection (3)(c)*).