



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Authorisation of surveillance and human intelligence sources*

#### **28 Authorisation of directed surveillance.**

- (1) Subject to the following provisions of this Part, the persons designated for the purposes of this section shall each have power to grant authorisations for the carrying out of directed surveillance.
- (2) A person shall not grant an authorisation for the carrying out of directed surveillance unless he believes—
  - (a) that the authorisation is necessary on grounds falling within subsection (3); and
  - (b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.
- (3) An authorisation is necessary on grounds falling within this subsection if it is necessary—
  - (a) in the interests of national security;
  - (b) for the purpose of preventing or detecting crime or of preventing disorder;
  - (c) in the interests of the economic well-being of the United Kingdom;
  - (d) in the interests of public safety;
  - (e) for the purpose of protecting public health;
  - (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or

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**Changes to legislation:** *Regulation of Investigatory Powers Act 2000, Section 28 is up to date with all changes known to be in force on or before 07 August 2018. 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)*

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- (g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.
- (4) The conduct that is authorised by an authorisation for the carrying out of directed surveillance is any conduct that—
  - (a) consists in the carrying out of directed surveillance of any such description as is specified in the authorisation; and
  - (b) is carried out in the circumstances described in the authorisation and for the purposes of the investigation or operation specified or described in the authorisation.
- (5) The Secretary of State shall not make an order under subsection (3)(g) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(df) inserted by 2018 c. 13 Sch. 3 para. 3(2)
- s. 18(2)(ze) inserted by 2018 c. 13 Sch. 3 para. 3(3)
- s. 30(6A)-(6D) inserted by 2016 anaw 6 s. 187(2)(b)
- s. 49(9A) inserted by 2016 c. 25 Sch. 10 para. 46(3)
- s. 65(6)(dza) inserted by 2016 c. 25 s. 243(1)(d)(ii)
- s. 65(6A) inserted by 2016 c. 25 s. 243(1)(e)
- s. 67A inserted by 2016 c. 25 s. 242(1)
- s. 68(4A)-(4E) inserted by 2016 c. 25 s. 242(3)
- s. 69(2)(j)(k) inserted by 2016 c. 25 s. 242(4)(b)
- s. 78(4A) inserted by 2016 c. 25 s. 242(5)(b)
- Sch. 1 para. 16A and cross-heading inserted by 2016 anaw 6 s. 187(3)
- Sch. 1 Pt. 1 para. 20H inserted by 2013 c. 32 Sch. 12 para. 74
- Sch. 2 para. 2(1)(c) and word inserted by 2016 c. 25 Sch. 10 para. 66(2)(b)
- Sch. 2 para. 2(6)(d) and word inserted by 2016 c. 25 Sch. 10 para. 66(4)(b)
- Sch. 2 para. 2(6A) inserted by 2016 c. 25 Sch. 10 para. 66(5)