



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Authorisation of surveillance and human intelligence sources

32 Authorisation of intrusive surveillance.

- (1) Subject to the following provisions of this Part, the Secretary of State and each of the senior authorising officers shall have power to grant authorisations for the carrying out of intrusive surveillance.
- (2) Neither the Secretary of State nor any senior authorising officer shall grant an authorisation for the carrying out of intrusive 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) Subject to the following provisions of this section, 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 serious crime; or
 - (c) in the interests of the economic well-being of the United Kingdom.

[^{F1}(3A) In the case of an authorisation granted by the [^{F2}chair of the CMA], the authorisation is necessary on grounds falling within subsection (3) only if it is necessary for the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002 (cartel offence).]

Changes to legislation: *Regulation of Investigatory Powers Act 2000, Section 32 is up to date with all changes known to be in force on or before 17 August 2023. 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) View outstanding changes*

- [^{F3}(3B) In the case of an authorisation granted by the Service Police Complaints Commissioner, the authorisation is necessary on grounds falling within subsection (3) only if it is necessary for the purpose of carrying out the functions of the Commissioner.]
- (4) The matters to be taken into account in considering whether the requirements of subsection (2) are satisfied in the case of any authorisation shall include whether the information which it is thought necessary to obtain by the authorised conduct could reasonably be obtained by other means.
- (5) The conduct that is authorised by an authorisation for the carrying out of intrusive surveillance is any conduct that—
- (a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorisation;
 - (b) is carried out in relation to the residential premises specified or described in the authorisation or in relation to the private vehicle so specified or described; and
 - (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.
- (6) For the purposes of this section the senior authorising officers are—
- (a) the chief constable of every police force maintained under section 2 of the ^{M1}Police Act 1996 (police forces in England and Wales outside London);
 - (b) the Commissioner of Police of the Metropolis and every Assistant Commissioner of Police of the Metropolis;
 - (c) the Commissioner of Police for the City of London;
 - (d) the chief constable of [^{F4}the Police Service of Scotland];
 - (e) the Chief Constable of the Royal Ulster Constabulary and the Deputy Chief Constable of the Royal Ulster Constabulary;
 - (f) the Chief Constable of the Ministry of Defence Police;
 - (g) the Provost Marshal of the [^{F5}Royal Navy Police];
 - (h) the Provost Marshal of the Royal Military Police;
 - (i) the Provost Marshal of the Royal Air Force Police;
 - [^{F6}(ia) the Provost Marshal for serious crime;]
 - [^{F7}(ib) the Service Police Complaints Commissioner;]
 - (j) the Chief Constable of the British Transport Police;
 - [^{F8}(k) the Director General of the National Crime Agency and any National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;]
 - [^{F9}(m) an officer of Revenue and Customs who is a senior official and who is designated for the purposes of this paragraph by the Commissioners for Her Majesty's Revenue ^{F10}... Customs;]
 - [^{F11}(ma) a senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purposes of this paragraph by the Secretary of State; and]
 - (n) the [^{F12}chair of the CMA].

Textual Amendments

F1 S. 32(3A) inserted (20.6.2003) by 2002 c. 40, ss. 199(2)(a), 27; S.I. 2003/1397, art. 2(1), Sch.

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- F2** Words in s. 32(3A) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 134** (with art. 3)
- F3** S. 32(3B) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(2)(a)**
- F4** Words in s. 32(6)(d) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 33(10)**
- F5** Words in s. 32(6)(g) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 170**; S.I. 2007/1442, **art. 2(1)**
- F6** S. 32(6)(ia) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 14**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F7** S. 32(6)(ib) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(2)(b)**
- F8** S. 32(6)(k) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 82**; S.I. 2013/1682, art. 3(v)
- F9** S. 32(6)(m) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 10**; S.I. 2008/219, **art. 2(b)**
- F10** Word in s. 32(6)(m) omitted (25.6.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 6** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F11** S. 32(6)(ma) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), **ss. 55(2)**, 61(2) (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(d)
- F12** Words in s. 32(6)(n) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 134** (with art. 3)

Modifications etc. (not altering text)

- C1** S. 32 modified (S.) (14.12.2000) by S.I. 2000/3253, arts. 1(1)(2), 2, **Sch. 1 para. 4(1)** (with art. 6)
- C2** S. 32: functions transferred to the Scottish Ministers (15.12.2000) by virtue of S.I. 2000/3253 arts. 1(1)(3), 3, Sch. 2 (with art. 6)

Marginal Citations

- M1** 1996 c. 16.

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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. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- 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](#)