



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Police and ^{F1}Revenue and Customs] authorisations

34 Grant of authorisations in the senior officer's absence.

- (1) This section applies in the case of an application for an authorisation for the carrying out of intrusive surveillance where—
- (a) the application is one made by a member of a police ^{F1}force (other than a member of the tri-service serious crime unit), a member of the tri-service serious crime unit, ^{F2}a person designated under regulation 36(2) of the 2023 Regulations, ^{F3}a ^{F4}National Crime Agency officer] or by ^{F5}^{F6}an officer of the CMA] or ^{F7}an officer of Revenue and Customs ^{F8}or an immigration officer];] and
 - (b) the case is urgent.
- (2) If—
- (a) it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by any person who is a senior authorising officer by reference to the force ^{F9}or Agency] in question or, as the case may be, ^{F10}as ^{F11}Provost Marshal for serious crime or] ^{F12}the Service Police Complaints Commissioner or] the chair of the CMA or] by virtue of a designation by ^{F13}the Commissioners for Her Majesty's Revenue and Customs ^{F14}or the Secretary of State],] and
 - (b) it also not reasonably practicable, having regard to the urgency of the case, for the application to be considered by a person (if there is one) who is entitled, as a designated deputy of a senior authorising officer, to exercise the functions in relation to that application of such an officer,

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the application may be made to and considered by any person who is entitled under subsection (4) to act for any senior authorising officer who would have been entitled to consider the application.

- (3) A person who considers an application under subsection (1) shall have the same power to grant an authorisation as the person for whom he is entitled to act.
- (4) For the purposes of this section—
- (a) a person is entitled to act for the chief constable of a police force maintained under section 2 of the ^{M1}Police Act 1996 if he holds the rank of assistant chief constable in that force;
 - (b) a person is entitled to act for the Commissioner of Police of the Metropolis, or for an Assistant Commissioner of Police of the Metropolis, if he holds the rank of commander in the metropolitan police force;
 - (c) a person is entitled to act for the Commissioner of Police for the City of London if he holds the rank of commander in the City of London police force;
 - (d) a person is entitled to act for the chief constable of [^{F15}the Police Service of Scotland if he holds the rank of deputy or assistant chief constable of the Police Service of Scotland];
 - (e) a person is entitled to act for the Chief Constable of the Royal Ulster Constabulary, or for the Deputy Chief Constable of the Royal Ulster Constabulary, if he holds the rank of assistant chief constable in the Royal Ulster Constabulary;
 - (f) a person is entitled to act for the Chief Constable of the Ministry of Defence Police if he holds the rank of deputy or assistant chief constable in that force;
 - (g) a person is entitled to act for the Provost Marshal of the [^{F16}Royal Navy Police] if he holds the position of assistant Provost Marshal in [^{F17}that force];
 - (h) a person is entitled to act for the Provost Marshal of the Royal Military Police or the Provost Marshal of the Royal Air Force Police if he holds the position of deputy Provost Marshal in the police force in question;
 - [^{F18}(ha) a person is entitled to act for the Provost Marshal for serious crime if the person holds the position of deputy Provost Marshal in the tri-service serious crime unit;]
 - [^{F19}(hb) a person is entitled to act for the Service Police Complaints Commissioner if the person is designated by the Commissioner for the purposes of this paragraph as a person entitled so to act in an urgent case;]
 - (i) a person is entitled to act for the Chief Constable of the British Transport Police if he holds the rank of deputy or assistant chief constable in that force;
 - [^{F20}(j) a person is entitled to act for the [^{F21}Director General of the National Crime Agency] if he is a person designated for the purposes of this paragraph by that Director General as a person entitled so to act in an urgent case;]
 - (l) a person is entitled to act for a person who is a senior authorising officer by virtue of a designation by [^{F22}the Commissioners for Her Majesty's Revenue and Customs,] if he is [^{F23}a senior official] designated for the purposes of this paragraph by those Commissioners as a person entitled so to act in an urgent case.
 - [^{F24}(la) a person is entitled to act for a person who is a senior authorising officer by virtue of a designation under section 32(6)(ma), if the person is 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

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paragraph by the Secretary of State as a person entitled so to act in an urgent case;]

[^{F25}(m) a person is entitled to act for the [^{F26}chair of the CMA if he is an officer of the CMA] designated by it for the purposes of this paragraph as a person entitled so to act in an urgent case.]

^{F27}(5)

(6) In this section “designated deputy”—

[^{F28}(a) in relation to the chief constable for a police force in England and Wales, means—

(i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or

(ii) a person holding the rank of assistant chief constable who is designated to act under section 12A(2) of that Act;

(aa) in relation to the chief constable [^{F29}of the Police Service of Scotland, means the deputy chief constable designated under section 18(3) of the Police and Fire Reform (Scotland) Act 2012;] —

(i) a person holding the rank of deputy chief constable and, where there is more than one person in the police force who holds that rank, who is designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of the Police (Scotland) Act 1967, or

(ii) a person holding the rank of assistant chief constable who is designated to act under section 5A(2) of that Act;]

(b) in relation to the Commissioner of Police for the City of London, means a person authorised to act under section 25 of the ^{M2}City of London Police Act 1839;

^{F30}(c)

Textual Amendments

- F1** Words in s. 34(1)(a) substituted (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. 16(2)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F2** Words in s. 34(1)(a) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(4)(a)**
- F3** Words in s. 34(1)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 138(2)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F4** Words in s. 34(1)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 84(2)**; S.I. 2013/1682, art. 3(v)
- F5** Words in s. 34(1)(a) inserted (20.6.2003) by 2002 c. 40, ss. 199(5)(a), 279; S.I. 2003/1397, **art. 2(1)**, Sch.
- F6** Words in s. 34(1)(a) 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. 136(2)** (with art. 3)
- F7** Words in s. 34(1) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 12(a)**; S.I. 2008/219, **art. 2(b)**
- F8** Words in s. 34(1)(a) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 8(2)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F9** Words in s. 34(2)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 138(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

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- F10** Words in s. 34(2)(a) 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. 136(3)** (with art. 3)
- F11** Words in s. 34(2)(a) 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. 16(3)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F12** Words in s. 34(2)(a) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(4)(b)**
- F13** Words in s. 34(2)(a) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 12(b)**; S.I. 2008/219, **art. 2(b)**
- F14** Words in s. 34(2)(a) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 8(3)** (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(i)
- F15** Words in s. 34(4)(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(12)(a)**
- F16** Words in s. 34(4)(g) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 172(a)**; S.I. 2007/1442, **art. 2(1)**
- F17** Words in s. 34(4)(g) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 172(b)**; S.I. 2007/1442, **art. 2(1)**
- F18** S. 34(4)(ha) 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. 16(4)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F19** S. 34(4)(hb) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(4)(c)**
- F20** S. 34(4)(j) substituted (1.4.2006) for s. 34(4)(j)(k) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 138(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F21** Words in s. 34(4)(j) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 84(3)**; S.I. 2013/1682, art. 3(v)
- F22** Words in s. 34(4)(l) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 12(c)(i)**; S.I. 2008/219, **art. 2(b)**
- F23** Words in s. 34(4)(l) inserted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 12(c)(ii)**; S.I. 2008/219, **art. 2(b)**
- F24** S. 34(4)(la) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 8(4)** (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(i)
- F25** S. 34(4)(m) inserted (20.6.2003) by 2002 c. 40, ss. 199(5)(c), 279; S.I. 2003/1397, **art. 2(1)**, Sch.
- F26** Words in s. 34(4)(m) 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. 136(4)** (with art. 3)
- F27** S. 34(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 138(5), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F28** S. 34(6)(a)(aa) substituted (8.11.2006) for s. 34(6)(a) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 39**
- F29** Words in s. 34(6)(aa) 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(12)(b)**
- F30** S. 34(6)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 138(6), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))

Marginal Citations

- M1** 1996 c. 16.
M2 1839 c. xciv.

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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](#)