



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Other authorisations*

#### **41 Secretary of State authorisations.**

- (1) The Secretary of State shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by—
  - (a) a member of any of the intelligence services;
  - (b) an official of the Ministry of Defence;
  - (c) a member of Her Majesty's forces;
  - (d) an individual holding an office, rank or position with any such public authority as may be designated for the purposes of this section as an authority whose activities may require the carrying out of intrusive surveillance.
- (2) Section 32 shall have effect in relation to the grant of an authorisation by the Secretary of State on the application of an official of the Ministry of Defence, or of a member of Her Majesty's forces, as if the only matters mentioned in subsection (3) of that section were—
  - (a) the interests of national security; and
  - (b) the purpose of preventing or detecting serious crime.
- (3) The designation of any public authority for the purposes of this section shall be by order made by the Secretary of State.
- (4) The Secretary of State may by order provide, in relation to any public authority, that an application for an authorisation for the carrying out of intrusive surveillance may

**Changes to legislation:** *Regulation of Investigatory Powers Act 2000, Section 41 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*

be made by an individual holding an office, rank or position with that authority only where his office, rank or position is one prescribed by the order.

- (5) The Secretary of State may by order impose restrictions—
- (a) on the authorisations for the carrying out of intrusive surveillance that may be granted on the application of an individual holding an office, rank or position with any public authority designated for the purposes of this section; and
  - (b) on the circumstances in which, or the purposes for which, such authorisations may be granted on such an application.
- (6) The Secretary of State shall not make a designation under subsection (3) unless a draft of the order containing the designation has been laid before Parliament and approved by a resolution of each House.
- (7) References in this section to a member of Her Majesty’s forces do not include references to any member of Her Majesty’s forces who is a member of a police force by virtue of his service with the [<sup>F1</sup>Royal Navy Police], the Royal Military Police or the Royal Air Force Police [<sup>F2</sup>or is a member of the tri-service serious crime unit].

#### **Textual Amendments**

- F1** Words in s. 41(7) substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 173](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F2** Words in s. 41(7) 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. 19](#); S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4

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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](#)