



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Grant, renewal and duration of authorisations

43 General rules about grant, renewal and duration.

- (1) An authorisation under this Part—
- (a) may be granted or renewed orally in any urgent case in which the entitlement to act of the person granting or renewing it is not confined to urgent cases; and
 - (b) in any other case, must be in writing.

[^{F1}(1A) Subsection (1)(a) does not apply in relation to an authorisation under section 28 or 29 to which section 32A applies.]

- (2) A single authorisation may combine two or more different authorisations under this Part; but the provisions of this Act that are applicable in the case of each of the authorisations shall apply separately in relation to the part of the combined authorisation to which they are applicable.
- (3) Subject to subsections (4) and (8), an authorisation under this Part shall cease to have effect at the end of the following period—
- (a) in the case of an authorisation which—
 - (i) has not been renewed and was granted either orally or by a person whose entitlement to act is confined to urgent cases, or
 - (ii) was last renewed either orally or by such a person,the period of seventy-two hours beginning with the time when the grant of the authorisation or, as the case may be, its latest renewal takes effect;

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- (b) in a case not falling within paragraph (a) in which the authorisation is for the conduct or the use of a covert human intelligence source [^{F2}or is an authorisation under section 29B], the period of twelve months beginning with the day on which the grant of the authorisation or, as the case may be, its latest renewal takes effect; and
 - (c) in any case not falling within paragraph (a) or (b), the period of three months beginning with the day on which the grant of the authorisation or, as the case may be, its latest renewal takes effect.
- (4) Subject to subsection (6), an authorisation under this Part may be renewed, at any time before the time at which it ceases to have effect, by any person who would be entitled to grant a new authorisation in the same terms.
- (5) Sections 28 to 41 shall have effect in relation to the renewal of an authorisation under this Part as if references to the grant of an authorisation included references to its renewal.
- (6) A person shall not renew an authorisation for the conduct or the use of a covert human intelligence source [^{F3}or an authorisation under section 29B], unless he—
- (a) is satisfied that a review has been carried out of the matters mentioned in subsection (7); and
 - (b) has, for the purpose of deciding whether he should renew the authorisation, considered the results of that review.
- [^{F4}(6A) The relevant judicial authority (within the meaning given by subsection (7) of section 32A) shall not make an order under that section approving the renewal of an authorisation for the conduct or the use of a covert human intelligence source unless the relevant judicial authority—
- (a) is satisfied that a review has been carried out of the matters mentioned in subsection (7) below, and
 - (b) has, for the purpose of deciding whether to make the order, considered the results of that review.]
- (7) The matters mentioned in [^{F5}subsections (6) and (6A)] are—
- (a) the use made of the source in the period since the grant or, as the case may be, latest renewal of the authorisation; and
 - (b) the tasks given to the source during that period and the information obtained from the conduct or the use of the source.
- (8) The Secretary of State may by order provide in relation to authorisations of such descriptions as may be specified in the order that subsection (3) is to have effect as if the period at the end of which an authorisation of a description so specified is to cease to have effect were such period shorter than that provided for by that subsection as may be fixed by or determined in accordance with that order.
- (9) References in this section to the time at which, or the day on which, the grant or renewal of an authorisation takes effect are references—
- (a) in the case of the grant of an authorisation to which paragraph (c) does not apply, to the time at which or, as the case may be, day on which the authorisation is granted;
 - (b) in the case of the renewal of an authorisation to which paragraph (c) does not apply, to the time at which or, as the case may be, day on which the authorisation would have ceased to have effect but for the renewal; and

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- (c) in the case of any grant or renewal that takes effect under subsection (2) of section [F⁶32A or] 36 at a time or on a day later than that given by paragraph (a) or (b), to the time at which or, as the case may be, day on which the grant or renewal takes effect in accordance with that subsection.
- (10) In relation to any authorisation granted by a member of any of the intelligence services, and in relation to any authorisation contained in a warrant issued by the Secretary of State on the application of a member of any of the intelligence services, this section has effect subject to the provisions of section 44.

Textual Amendments

- F1** S. 43(1A) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 9(2)** (with s. 97); S.I. 2012/2075, art. 4(d)
- F2** Words in s. 43(3)(b) inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4), s. 9(2), **Sch. para. 6(2)**; S.I. 2021/605, reg. 2(a)(b)(c)
- F3** Words in s. 43(6) inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4), s. 9(2), **Sch. para. 6(3)**; S.I. 2021/605, reg. 2(a)(b)(c)
- F4** S. 43(6A) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 38(2)(a)**, 120 (with s. 97); S.I. 2012/2075, art. 4(b) (with art. 6)
- F5** Words in s. 43(7) substituted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 38(2)(b)**, 120 (with s. 97); S.I. 2012/2075, art. 4(b) (with art. 6)
- F6** Words in s. 43(9)(c) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 9(3)** (with s. 97); S.I. 2012/2075, art. 4(d)

Modifications etc. (not altering text)

- C1** S. 43(3) modified (6.11.2000) by S.I. 2000/2793, **art. 6** (as amended (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4), **ss. 2(7)**, 9(2) (with s. 2(9)); S.I. 2021/605, reg. 2(a)(b)(c))
S.43 applied (with modifications) (16.3.2001) by S.I. 2001/1057, **art. 4**
- C2** S. 43(3) modified (1.2.2010) by The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2009 (S.I. 2009/3404), **art. 8**
- C3** S. 43(3) modified (18.2.2010) by The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010 (S.I. 2010/123), **art. 8**
- C4** S. 43(3) modified (1.1.2014) by The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013 (S.I. 2013/2788), arts. 1, **3** (with art. 17)
- C5** S. 43(3) modified (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by S.I. 2000/2793, **art. 10** (as inserted by Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4), **ss. 2(8)**, 9(2) (with s. 2(9)); S.I. 2021/605, **reg. 2(a)(b)(c)**)

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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](#)