Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Grant, renewal and duration of authorisations

45 Cancellation of authorisations.

(1) The person who granted or, as the case may be, last renewed an authorisation under this Part shall cancel it if—

(a) he is satisfied that the authorisation is one in relation to which the requirements of section 28(2)(a) and (b), 29(2)(a) and (b) **[**[F1], 29B(4)(a) and (b)**]** or, as the case may be, 32(2)(a) and (b) are no longer satisfied; [F2]...

(b) in the case of an authorisation under section 29, he is satisfied that arrangements for the source's case that satisfy the requirements mentioned in subsection (2)(c) of that section no longer exist.

[[F3](c) in the case of an authorisation under section 29B where the source is under the age of 18 ("the juvenile source"), the person—

(i) becomes aware of circumstances in which it is reasonably foreseeable that harm, within the meaning of section 29C(5), to the juvenile source would result from the authorisation,

(ii) is satisfied that the authorisation would no longer be compatible with the need to safeguard and promote the best interests of the juvenile source, or

(iii) is satisfied that arrangements for the juvenile source's case that satisfy the requirements of subsection (3)(c) of section 29C no longer exist; or

Changes to legislation: *Regulation of Investigatory Powers Act 2000, Section 45 is up to date with all changes known to be in force on or before 22 May 2024. 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*

(d) in the case of any authorisation under section 29B, the person is satisfied that any arrangements for the source's case required to satisfy any requirements mentioned in subsection (4)(c) of that section no longer exist**]**

(2) Where an authorisation under this Part was granted or, as the case may be, last renewed—

(a) by a person entitled to act for any other person, or

(b) by the deputy of any other person,

that other person shall cancel the authorisation if he is satisfied as to **[**[F4]any**]** of the matters mentioned in subsection (1).

(3) Where an authorisation under this Part was granted or, as the case may be, last renewed by a person whose deputy had power to grant it, that deputy shall cancel the authorisation if he is satisfied as to **[**[F5]any**]** of the matters mentioned in subsection (1).

(4) The Secretary of State may by regulations provide for the person by whom any duty imposed by this section is to be performed in a case in which it would otherwise fall on a person who is no longer available to perform it.

(5) Regulations under subsection (4) may provide for the person on whom the duty is to fall to be a person appointed in accordance with the regulations.

(6) The references in this section to a person's deputy are references to the following—

(a) in relation to—

(i) a chief constable of a police force maintained under section 2 of the [M1]Police Act 1996,

(ii) the Commissioner of Police for the City of London, or

[[F6](iii) the chief constable of the Police Service of Scotland,**]**

to his designated deputy;

(b) in relation to the Commissioner of Police of the Metropolis, to an Assistant Commissioner of Police of the Metropolis; [F7]. . . **[**[F8]and**]**

(c) in relation to the Chief Constable of the Royal Ulster Constabulary, to the Deputy Chief Constable of the Royal Ulster Constabulary; [F9]...

[F9](ca) . . . . . .

(d) [F10]. . . . . .

(e) [F10]. . . . . .

(7) In this section "designated deputy" has the same meaning as in section 34.

Textual Amendments

F1 Words in s. 45(1)(a) 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. 7(2)(a)**; S.I. 2021/605, reg. 2(a)(b)(c)

F2 Word in s. 45(1)(a) omitted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by virtue of Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (c. 4), s. 9(2), **Sch. para. 7(2)(b)**; S.I. 2021/605, reg. 2(a)(b)(c)

F3 S. 45(1)(c)(d) 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. 7(2)(c)**; S.I. 2021/605, reg. 2(a)(b)(c)

F4 Word in s. 45(2) substituted (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. 7(3)**; S.I. 2021/605, reg. 2(a)(b)(c)

F5 Word in s. 45(3) substituted (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. 7(4)**; S.I. 2021/605, reg. 2(a)(b)(c)

F6 S. 45(6)(a)(iii) 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(14)(a)**

F7 Word in s. 45(6)(b) omitted (1.4.2007) by virtue of The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(7)(a)**

F8 Word in s. 45(6) inserted (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(14)(b)**

F9 S. 45(6)(ca) and word omitted (1.4.2013) by virtue of 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(14)(c)**

F10 S. 45(6)(d)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 143(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C1 S. 45 applied (with modifications) (16.3.2001) by S.I. 2001/1057, **art. 5**

C2 S. 45(1): 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)

C3 S. 45(1)(a) modified (S.) (14.12.2000) by S.I. 2000/3253, arts. 1(1), 2, **Sch. 1 para. 5** (with art. 6)

Marginal Citations

M1 1996 c. 16.

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View outstanding changes

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)
- s. 65(2)(ba) inserted by 2024 c. 9 s. 11(2)(a)
- s. 65(4AA)(4AB) inserted by 2024 c. 9 s. 11(2)(b)
- s. 65(5)(czha)(czhb) inserted by 2024 c. 9 s. 6(6)(a)
- s. 65(8)(bba) inserted by 2024 c. 9 s. 6(8)(b)
- s. 67(5)(a) words renumbered as s. 67(5)(a) by 2024 c. 9 s. 11(3)(b)(i)
- s. 67(5)(b) and word inserted by 2024 c. 9 s. 11(3)(b)(ii)
- 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