
STATUTORY INSTRUMENTS

2012 No. 1500

**The Regulation of Investigatory Powers
(Directed Surveillance and Covert Human
Intelligence Sources) (Amendment) Order 2012**

Amendment of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

2.—(1) The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010⁽¹⁾ is amended as follows.

(2) In article 3(2) (prescribed offices, ranks and positions with relevant public authorities) for “articles 5 to 7” substitute “articles 5 to 7A”.

(3) In article 4(1) (additional offices, ranks and positions prescribed for urgent cases) for “articles 5 to 7” substitute “articles 5 to 7A”.

(4) After article 7 (restrictions on the granting of authorisations) insert—

“7A.—(1) An individual holding an office, rank or position with any county council or district council in England, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, or any county council or county borough council in Wales may not grant an authorisation under section 28 unless the conditions in paragraphs (2) and (3) are met.

(2) The first condition is that the authorisation under section 28 is for the purpose of preventing or detecting conduct which—

- (a) constitutes one or more criminal offences, or
- (b) is, or corresponds to, any conduct which, if it all took place in England and Wales, would constitute one or more criminal offences.

(3) The second condition is that the criminal offence or one of the criminal offences referred to in the first condition is or would be—

- (a) an offence which is punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment, or
- (b) an offence under—
 - (i) section 146 of the Licensing Act 2003⁽²⁾ (sale of alcohol to children);
 - (ii) section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
 - (iii) section 147A of the Licensing Act 2003⁽³⁾ (persistently selling alcohol to children);

⁽¹⁾ S.I. 2010/521, to which there are amendments not relevant to this Order.

⁽²⁾ 2003 c.17.

⁽³⁾ Section 147A was inserted by section 23(1) of the Violent Crime Reduction Act 2006 (c.38). Section 147A has been amended by section 28 of the Policing and Crime Act 2009 (c.26) and section 118 of the Police Reform and Social Responsibility Act 2011 (c.13).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(iv) section 7 of the Children and Young Persons Act 1933(4) (sale of tobacco, etc, to persons under eighteen).”.

(4) 1933 c.12; section 7 has been amended by section 1 of the Protection of Children (Tobacco) Act 1986 (c.34), section 1 of the Children and Young Persons (Protection from Tobacco) Act 1991 (c.23), Schedule 8 to the Courts Act 2003 (c.39), Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13) and S.I. 2007/767.