



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Authorisation of surveillance and human intelligence sources

[^{F1}29B Covert human intelligence sources: criminal conduct authorisations

- (1) Subject to the following provisions of this Part, the persons designated for the purposes of this section each have power to grant criminal conduct authorisations.
- (2) A “criminal conduct authorisation” is an authorisation for criminal conduct in the course of, or otherwise in connection with, the conduct of a covert human intelligence source.
- (3) A criminal conduct authorisation may only be granted in relation to a covert human intelligence source after, or at the same time as, an authorisation under section 29 which authorises the conduct or the use of the covert human intelligence source concerned.
- (4) A person may not grant a criminal conduct authorisation unless the person believes—
 - (a) that the authorisation is necessary on grounds falling within subsection (5);
 - (b) that the authorised conduct is proportionate to what is sought to be achieved by that conduct; and
 - (c) that arrangements exist that satisfy such requirements as may be imposed by order made by the Secretary of State.
- (5) A criminal conduct authorisation is necessary on grounds falling within this subsection if it is necessary—
 - (a) in the interests of national security;
 - (b) for the purpose of preventing or detecting crime or of preventing disorder; or

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 29B 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

- (c) in the interests of the economic well-being of the United Kingdom.
- (6) In considering whether the requirements in subsection (4)(a) and (b) are satisfied, the person must take into account whether what is sought to be achieved by the authorised conduct could reasonably be achieved by other conduct which would not constitute crime.
- (7) Subsection (6) is without prejudice to the need to take into account other matters so far as they are relevant (for example, the requirements of the Human Rights Act 1998).
- (8) The conduct that is authorised by a criminal conduct authorisation is any conduct that—
 - (a) is comprised in any activities—
 - (i) which involve criminal conduct in the course of, or otherwise in connection with, the conduct of a covert human intelligence source, and
 - (ii) are specified or described in the authorisation;
 - (b) consists in conduct by or in relation to the person who is so specified or described as the covert human intelligence source to whom the authorisation relates; and
 - (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.
- (9) If an authorisation under section 29, which authorises the conduct or the use of a covert human intelligence source to whom a criminal conduct authorisation relates, ceases to have effect, the criminal conduct authorisation also ceases to have effect so far as it relates to that covert human intelligence source (but this is without prejudice to whether the criminal conduct authorisation continues to have effect so far as it relates to any other covert human intelligence source).
- (10) The Secretary of State may by order—
 - (a) prohibit the authorisation under this section of any such conduct as may be described in the order; and
 - (b) impose requirements, in addition to those provided for by subsections (3) and (4) and sections 29C and 29D, that must be satisfied before an authorisation is granted under this section for any such conduct as may be so described.]

Textual Amendments

- F1** S. 29B 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 \(c. 4\), ss. 1\(5\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\) \(with reg. 3\(a\)\(b\)\(c\)\)](#)

Modifications etc. (not altering text)

- C1** S. 29B excluded (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. 7\(1\) \(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\(a\)\(b\)\(c\)\)](#)
- C2** S. 29B excluded (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. 8\(1\) \(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\(a\)\(b\)\(c\)\)](#)

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 29B 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](#)

- C3** S. 29B(4)(c) 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. 9** (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))**

Changes to legislation:

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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\(2\)\(b\)](#)
- 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](#)