



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Police and [<sup>F1</sup>Revenue and Customs] authorisations*

### **33 Rules for grant of authorisations.**

- (1) A person who is a designated person for the purposes of section 28 or 29 by reference to his office, rank or position with a police force <sup>F1</sup> . . . shall not grant an authorisation under that section except on an application made by a member of the same force <sup>F2</sup> . . . [<sup>F3</sup> (subject to [<sup>F4</sup>subsection (1ZB)])].
- [<sup>F5</sup>(1ZA) Subsection (1ZB) applies if the chief officer of police of a police force (“the authorising force”) has made an agreement under section 23(1) of the Police Act 1996 with the chief office of police of one or more other police forces.
- (1ZB) A person who is a designated person for the purposes of section 28 or 29 by reference to an office, rank or position with the authorising force may grant an authorisation under that section on an application made by a member of a collaborative force.
- (1ZC) For the purposes of subsection (1ZB) a police force is a collaborative force if—
- (a) its chief officer of police is a party to the agreement mentioned in subsection (1ZA); and
  - (b) its members are permitted by the terms of the agreement to make applications for authorisations under section 28 or 29 to a person who is a designated person for the purposes of that section by reference to an office, rank or position with the authorising force.

<sup>F6</sup>(1ZD) . . . . .

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<sup>F6</sup>(1ZE) .....

<sup>F6</sup>(1ZF) .....]

[<sup>F7</sup>(1A) A person who is a designated person for the purposes of section 28 or 29 by reference to his office or position with the Serious Organised Crime Agency shall not grant an authorisation under that section except on an application made by a member of the staff of the Agency.]

<sup>F8</sup>(1B) .....

[<sup>F9</sup>(2) A person who is a designated person for the purposes of section 28 or 29 by reference to office, rank or position in Her Majesty's Revenue and Customs shall not grant an authorisation under that section except on an application made by an officer of Revenue and Customs.]

(3) [<sup>F10</sup>Subject to [<sup>F11</sup>subsection (3ZB)],] A person who is a senior authorising officer by reference to a police force <sup>F12</sup> . . . shall not grant an authorisation for the carrying out of intrusive surveillance except—

- (a) on an application made by a member of the same force <sup>F13</sup> . . . ; and
- (b) in the case of an authorisation for the carrying out of intrusive surveillance in relation to any residential premises, where those premises are in the area of operation of that force <sup>F13</sup> . . . .

[<sup>F14</sup>(3A) The Director General of the Serious Organised Crime Agency or a person designated for the purposes of section 32(6)(k) by that Director General shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by a member of the staff of the Agency.]

[<sup>F15</sup>(3ZA) Subsection (3ZB) applies if—

- (a) the chief officer of police of a police force (“the surveillance authorising force”) has made an agreement under section 23(1) of the Police Act 1996 with the chief office of police of one or more other police forces; and
- (b) an application for an authorisation for the carrying out of intrusive surveillance is made by a member of a collaborative force.

(3ZB) A person who is a senior authorising officer by reference to the surveillance authorising force may—

- (a) grant the authorisation;
- (b) in a case where the authorisation is for the carrying out of intrusive surveillance in relation to any residential premises, grant the authorisation only in relation to premises in the area which is—
  - (i) the area of operation of a collaborative force; and
  - (ii) specified in relation to members of that force in the agreement mentioned in subsection (3ZA).

(3ZC) For the purposes of subsections (3ZA) and (3ZB) a police force is a collaborative force if—

- (a) its chief officer of police is a party to the agreement mentioned in subsection (3ZA); and
- (b) its members are permitted by the terms of the agreement to make applications for authorisations for the carrying out of intrusive surveillance to a person

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who is a senior authorising officer by reference to the surveillance authorising force.

<sup>F16</sup>(3ZD) . . . . .

<sup>F16</sup>(3ZE) . . . . .

<sup>F16</sup>(3ZF) . . . . .]

[<sup>F17</sup>(4) A person who is a senior authorising officer by virtue of a designation by the Commissioners for Her Majesty's Revenue and Customs shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an officer of Revenue and Customs.]

[<sup>F18</sup>(4A) The chairman of the OFT shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an officer of the OFT.]

(5) A single authorisation may combine both—

- (a) an authorisation granted under this Part by, or on the application of, an individual who is a member of a police force, [<sup>F19</sup>a member of the staff of the Serious Organised Crime Agency <sup>F20</sup> . . . .], or who is [<sup>F21</sup>an officer of Revenue and Customs][<sup>F22</sup>or the chairman or an officer of the OFT]; and
- (b) an authorisation given by, or on the application of, that individual under Part III of the <sup>M1</sup>Police Act 1997;

but the provisions of this Act or that 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.

[<sup>F23</sup>(5A) In subsections (1ZA) to (1ZC) and (3ZA) to (3ZC) a reference to a police force is to the following—

- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force; and
- (c) the City of London police force.

<sup>F24</sup>(5B) . . . . .]

(6) For the purposes of this section—

- (a) the area of operation of a police force maintained under section 2 of the <sup>M2</sup>Police Act 1996, of the metropolitan police force [<sup>F25</sup>or], of the City of London police force <sup>F26</sup> . . . is the area for which that force is maintained;
- [<sup>F27</sup>(aa) the area of operation of the Police Service of Scotland is Scotland;]
- (b) the area of operation of the Royal Ulster Constabulary is Northern Ireland;
- (c) residential premises are in the area of operation of the Ministry of Defence Police if they are premises where the members of that police force, under section 2 of the <sup>M3</sup>Ministry of Defence Police Act 1987, have the powers and privileges of a constable;
- (d) residential premises are in the area of operation of the [<sup>F28</sup>Royal Navy Police] the Royal Military Police or the Royal Air Force Police if they are premises owned or occupied by, or used for residential purposes by, a person subject to service discipline;
- (e) the area of operation of the British Transport Police <sup>F29</sup> . . . is the United Kingdom;
- (f) <sup>F30</sup> . . . . .

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and references in this section to the United Kingdom or to any part or area of the United Kingdom include any adjacent waters within the seaward limits of the territorial waters of the United Kingdom.

[<sup>F31</sup>(7) In subsection (6) “subject to service law” and “civilian subject to service discipline” have the same meanings as in the Armed Forces Act 2006.]

#### Textual Amendments

- F1** Words in s. 33(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(2)(a), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F2** Words in s. 33(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(2)(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F3** Words in s. 33(1) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 9(2)**, 116; S.I. 2009/3096, **art. 3(d)**
- F4** Words in s. 33(1) 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(11)(a)**
- F5** S. 33(1ZA)-(1ZF) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 9(3)**, 116; S.I. 2009/3096, **art. 3(d)**
- F6** S. 33(1ZD)-(1ZF) 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(11)(b)**
- F7** S. 33(1A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 137(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F8** S. 33(1B) 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(11)(b)**
- F9** S. 33(2) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 11(a)**; S.I. 2008/219, **art. 2(b)**
- F10** Words in s. 33(3) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 9(4)**, 116; S.I. 2009/3096, **art. 3(d)**
- F11** Words in s. 33(3) 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(11)(c)**
- F12** Words in s. 33(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(4)(a), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F13** Words in s. 33(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(4)(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F14** S. 33(3A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 137(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F15** S. 33(3ZA)-(3ZF) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 9(5)**, 116; S.I. 2009/3096, **art. 3(d)**
- F16** S. 33(3ZD)-(3ZF) 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(11)(d)**
- F17** S. 33(4) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 11(b)**; S.I. 2008/219, **art. 2(b)**
- F18** S. 33(4A) inserted (20.6.2003) by 2002 c. 40, ss. 199(3), 279; S.I. 2003/1397, **art. 2(1)**, Sch.

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- F19** Words in s. 33(5)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 137(6)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F20** Words in s. 33(5)(a) 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(11)(e)**
- F21** Words in s. 33(5)(a) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 11(c)**; S.I. 2008/219, **art. 2(b)**
- F22** Words in s. 33(5)(a) inserted (20.6.2003) by 2002 c. 40, ss. 199(4), 279; S.I. 2003/1397, **art. 2(1)**, Sch.
- F23** S. 33(5A)(5B) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 9(6)**, 116; S.I. 2009/3096, **art. 3(d)**
- F24** S. 33(5B) 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(11)(f)**
- F25** Word in s. 33(6)(a) 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(11)(g)(i)(aa)**
- F26** Words in s. 33(6)(a) 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(11)(g)(i)(bb)**
- F27** S. 33(6)(aa) 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(11)(g)(ii)**
- F28** Words in s. 33(6)(d) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 171(2)(a)**; S.I. 2007/1442, **art. 2(1)**
- F29** Words in s. 33(6)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(7)(a), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F30** S. 33(6)(f) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(7)(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F31** S. 33(7) substituted (28.3.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 171(3)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Marginal Citations

- M1** 1997 c. 50.  
**M2** 1996 c. 16.  
**M3** 1987 c. 4.

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