



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Police 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, the National Criminal Intelligence Service or the National Crime Squad shall not grant an authorisation under that section except on an application made by a member of the same force, Service or Squad.
- (2) A person who is designated for the purposes of section 28 or 29 by reference to his office, rank or position with the Commissioners of Customs and Excise shall not grant an authorisation under that section except on an application made by a customs officer.
- (3) A person who is a senior authorising officer by reference to a police force, the National Criminal Intelligence Service or the National Crime Squad 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, Service or Squad; 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, Service or Squad.
- (4) A person who is a senior authorising officer by virtue of a designation by the Commissioners of Customs and Excise shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by a customs officer.
- (5) A single authorisation may combine both—

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*Status: This is the original version (as it was originally enacted).*

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- (a) an authorisation granted under this Part by, or on the application of, an individual who is a member of a police force, the National Criminal Intelligence Service or the National Crime Squad, or who is a customs officer; and
- (b) an authorisation given by, or on the application of, that individual under Part III of the 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.

(6) For the purposes of this section—

- (a) the area of operation of a police force maintained under section 2 of the Police Act 1996, of the metropolitan police force, of the City of London police force or of a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 is the area for which that force is maintained;
- (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 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 Royal Navy Regulating Branch, 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 and also of the National Criminal Intelligence Service is the United Kingdom;
- (f) the area of operation of the National Crime Squad is England and Wales;

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.

(7) For the purposes of this section a person is subject to service discipline—

- (a) in relation to the Royal Navy Regulating Branch, if he is subject to the Naval Discipline Act 1957 or is a civilian to whom Parts I and II of that Act for the time being apply by virtue of section 118 of that Act ;
- (b) in relation to the Royal Military Police, if he is subject to military law or is a civilian to whom Part II of the Army Act 1955 for the time being applies by virtue of section 209 of that Act; and
- (c) in relation to the Royal Air Force Police, if he is subject to air-force law or is a civilian to whom Part II of the Air Force Act 1955 for the time being applies by virtue of section 209 of that Act.