



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Police and customs authorisations

34 Grant of authorisations in the senior officer's absence

- (1) This section applies in the case of an application for an authorisation for the carrying out of intrusive surveillance where—
- (a) the application is one made by a member of a police force, of the National Criminal Intelligence Service or of the National Crime Squad or by a customs officer; and
 - (b) the case is urgent.
- (2) If—
- (a) it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by any person who is a senior authorising officer by reference to the force, Service or Squad in question or, as the case may be, by virtue of a designation by the Commissioners of Customs and Excise, and
 - (b) it is also not reasonably practicable, having regard to the urgency of the case, for the application to be considered by a person (if there is one) who is entitled, as a designated deputy of a senior authorising officer, to exercise the functions in relation to that application of such an officer,

the application may be made to and considered by any person who is entitled under subsection (4) to act for any senior authorising officer who would have been entitled to consider the application.

Status: This is the original version (as it was originally enacted).

- (3) A person who considers an application under subsection (1) shall have the same power to grant an authorisation as the person for whom he is entitled to act.
- (4) For the purposes of this section—
- (a) a person is entitled to act for the chief constable of a police force maintained under section 2 of the Police Act 1996 if he holds the rank of assistant chief constable in that force;
 - (b) a person is entitled to act for the Commissioner of Police of the Metropolis, or for an Assistant Commissioner of Police of the Metropolis, if he holds the rank of commander in the metropolitan police force;
 - (c) a person is entitled to act for the Commissioner of Police for the City of London if he holds the rank of commander in the City of London police force;
 - (d) a person is entitled to act for the chief constable of a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 if he holds the rank of assistant chief constable in that force;
 - (e) a person is entitled to act for the Chief Constable of the Royal Ulster Constabulary, or for the Deputy Chief Constable of the Royal Ulster Constabulary, if he holds the rank of assistant chief constable in the Royal Ulster Constabulary;
 - (f) a person is entitled to act for the Chief Constable of the Ministry of Defence Police if he holds the rank of deputy or assistant chief constable in that force;
 - (g) a person is entitled to act for the Provost Marshal of the Royal Navy Regulating Branch if he holds the position of assistant Provost Marshal in that Branch;
 - (h) a person is entitled to act for the Provost Marshal of the Royal Military Police or the Provost Marshal of the Royal Air Force Police if he holds the position of deputy Provost Marshal in the police force in question;
 - (i) a person is entitled to act for the Chief Constable of the British Transport Police if he holds the rank of deputy or assistant chief constable in that force;
 - (j) a person is entitled to act for the Director General of the National Criminal Intelligence Service if he is a person designated for the purposes of this paragraph by that Director General;
 - (k) a person is entitled to act for the Director General of the National Crime Squad if he is designated for the purposes of this paragraph by that Director General as a person entitled so to act in an urgent case;
 - (l) a person is entitled to act for a person who is a senior authorising officer by virtue of a designation by the Commissioners of Customs and Excise, if he is designated for the purposes of this paragraph by those Commissioners as a person entitled so to act in an urgent case.
- (5) A police member of the National Criminal Intelligence Service or the National Crime Squad appointed under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members) may not be designated under subsection (4)(j) or (k) unless he holds the rank of assistant chief constable in that Service or Squad.
- (6) In this section “designated deputy”—
- (a) in relation to a chief constable, means a person holding the rank of assistant chief constable who is designated to act under section 12(4) of the Police Act 1996 or section 5(4) of the Police (Scotland) Act 1967;

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

- (b) in relation to the Commissioner of Police for the City of London, means a person authorised to act under section 25 of the City of London Police Act 1839;
- (c) in relation to the Director General of the National Criminal Intelligence Service or the Director General of the National Crime Squad, means a person designated to act under section 8 or, as the case may be, section 54 of the Police Act 1997.