



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Police and [F1Revenue and Customs] authorisations

36 Approval required for authorisations to take effect.

- (1) This section applies where an authorisation for the carrying out of intrusive surveillance has been granted on the application of—
- (a) a member of a police force;
 - [F1(b) a member of the staff of the Serious Organised Crime Agency;]
 - [F2(d) an officer of Revenue and Customs;]
 - (e) an officer of the OFT.
- (2) Subject to subsection (3), the authorisation shall not take effect until such time (if any) as—
- (a) the grant of the authorisation has been approved by an ordinary Surveillance Commissioner; and
 - (b) written notice of the Commissioner's decision to approve the grant of the authorisation has been given, in accordance with subsection (4), to the person who granted the authorisation.
- (3) Where the person who grants the authorisation—
- (a) believes that the case is one of urgency, and
 - (b) gives notice in accordance with section 35(3)(b),
- subsection (2) shall not apply to the authorisation, and the authorisation shall have effect from the time of its grant.

Status: Point in time view as at 15/02/2008. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 36 is up to date with all changes known to be in force on or before 20 March 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)

- (4) Where subsection (2) applies to the authorisation—
- (a) a Surveillance Commissioner shall give his approval under this section to the authorisation if, and only if, he is satisfied that there are reasonable grounds for believing that the requirements of section 32(2)(a) and (b) are satisfied in the case of the authorisation; and
 - (b) a Surveillance Commissioner who makes a decision as to whether or not the authorisation should be approved shall, as soon as reasonably practicable after making that decision, give written notice of his decision to the person who granted the authorisation.
- (5) If an ordinary Surveillance Commissioner decides not to approve an authorisation to which subsection (2) applies, he shall make a report of his findings to the most senior relevant person.
- (6) In this section “the most senior relevant person” means—
- (a) where the authorisation was granted by the senior authorising officer with any police force who is not someone’s deputy, that senior authorising officer;
 - (b) where the authorisation was granted by the Director General of the [F3Serious Organised Crime Agency,] that Director General;
 - (c) where the authorisation was granted by a senior authorising officer with a police force who is someone’s deputy, the senior authorising officer whose deputy granted the authorisation;
 - [F4(d) where the authorisation was granted by a person designated for the purposes of section 32(6)(k), or by a person entitled to act for the Director General of the Serious Organised Crime Agency by virtue of section 34(4)(j), that Director General;]
 - (f) where the authorisation was granted by a person entitled to act for a senior authorising officer under section 34(4)(a) to (i), the senior authorising officer in the force in question who is not someone’s deputy; [F5and]
 - [F6(g) where the authorisation was granted by an officer of Revenue and Customs, the officer of Revenue and Customs for the time being designated for the purposes of this paragraph by a written notice given to the Chief Surveillance Commissioner by the Commissioners for Her Majesty’s Revenue and Customs;]
 - (h) where the authorisation was granted by the chairman of the OFT or a person entitled to act for him by virtue of section 34(4)(m), that chairman.
- (7) The references in subsection (6) to a person’s deputy are references to the following—
- (a) in relation to—
 - (i) a chief constable of a police force maintained under section 2 of the ^{M1}Police Act 1996,
 - (ii) the Commissioner of Police for the City of London, or
 - (iii) a chief constable of a police force maintained under or by virtue of section 1 of the ^{M2}Police (Scotland) Act 1967,
 to his designated deputy;
 - (b) in relation to the Commissioner of Police of the Metropolis, to an Assistant Commissioner of Police of the Metropolis; and
 - (c) in relation to the Chief Constable of the Royal Ulster Constabulary, to the Deputy Chief Constable of the Royal Ulster Constabulary;

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and in this subsection and that subsection “designated deputy” has the same meaning as in section 34.

- (8) Any notice that is required by any provision of this section to be given in writing may be given, instead, by being transmitted by electronic means.

Textual Amendments

- F1** S. 36(1)(b) substituted (1.4.2006) for s. 36(1)(b)(c) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 140(2)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F2** S. 36(1)(d) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 14(a)**; S.I. 2008/219, **art. 2(b)**
- F3** Words in s. 36(6)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 140(3)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F4** S. 36(6)(d) substituted (1.4.2006) for s. 36(6)(d)(e) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 140(3)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F5** Word in s. 36(6)(f) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 10)
- F6** S. 36(6)(g) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 14(b)**; S.I. 2008/219, **art. 2(b)**

Marginal Citations

- M1** 1996 c. 16.
M2 1967 c. 77.

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