



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Grant, renewal and duration of authorisations

44 Special rules for intelligence services authorisations.

- (1) Subject to subsection (2), a warrant containing an authorisation for the carrying out of intrusive surveillance—
 - (a) shall not be issued on the application of a member of any of the intelligence services, and
 - (b) if so issued shall not be renewed, except under the hand of the Secretary of State.
- (2) In an urgent case in which—
 - (a) an application for a warrant containing an authorisation for the carrying out of intrusive surveillance has been made by a member of any of the intelligence services, and
 - (b) the Secretary of State has himself expressly authorised the issue of the warrant in that case,the warrant may be issued (but not renewed) under the hand of a senior official.
- (3) Subject to subsection (6), a warrant containing an authorisation for the carrying out of intrusive surveillance which—
 - (a) was issued, on the application of a member of any of the intelligence services, under the hand of a senior official, and
 - (b) has not been renewed under the hand of the Secretary of State,

Status: Point in time view as at 25/09/2000. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 44 is up to date with all changes known to be in force on or before 16 January 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)

shall cease to have effect at the end of the second working day following the day of the issue of the warrant, instead of at the time provided for by section 43(3).

- (4) Subject to subsections (3) and (6), where any warrant for the carrying out of intrusive surveillance which is issued or was last renewed on the application of a member of any of the intelligence services, the warrant (unless renewed or, as the case may be, renewed again) shall cease to have effect at the following time, instead of at the time provided for by section 43(3), namely—
- (a) in the case of a warrant that has not been renewed, at the end of the period of six months beginning with the day on which it was issued; and
 - (b) in any other case, at the end of the period of six months beginning with the day on which it would have ceased to have effect if not renewed again.
- (5) Subject to subsection (6), where—
- (a) an authorisation for the carrying out of directed surveillance is granted by a member of any of the intelligence services, and
 - (b) the authorisation is renewed by an instrument endorsed under the hand of the person renewing the authorisation with a statement that the renewal is believed to be necessary on grounds falling within section 32(3)(a) or (c),
- the authorisation (unless renewed again) shall cease to have effect at the end of the period of six months beginning with the day on which it would have ceased to have effect but for the renewal, instead of at the time provided for by section 43(3).
- (6) The Secretary of State may by order provide in relation to authorisations of such descriptions as may be specified in the order that subsection (3), (4) or (5) is to have effect as if the period at the end of which an authorisation of a description so specified is to cease to have effect were such period shorter than that provided for by that subsection as may be fixed by or determined in accordance with that order.
- (7) Notwithstanding anything in section 43(2), in a case in which there is a combined warrant containing both—
- (a) an authorisation for the carrying out of intrusive surveillance, and
 - (b) an authorisation for the carrying out of directed surveillance,
- the reference in subsection (4) of this section to a warrant for the carrying out of intrusive surveillance is a reference to the warrant so far as it confers both authorisations.

Modifications etc. (not altering text)

C1 S. 44(1)(2)(b) modified (S.) (14.12.2000) by S.I. 2000/3253, arts. 1(1)(2), 2, **Sch. 1 para. 3(1)** (with art. 6)

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