



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

75 Authorisations under Part III of the Police Act 1997

- (1) Section 93 of the Police Act 1997 (authorisations to interfere with property etc.) shall be amended as follows.
- (2) In subsection (1) (the action that the authorising officer may authorise), for “or” at the end of paragraph (a) there shall be substituted—
 - “(ab) the taking of such action falling within subsection (1A), in respect of property outside the relevant area, as he may specify, or”.
- (3) After that subsection there shall be inserted—

“(1A) The action falling within this subsection is action for maintaining or retrieving any equipment, apparatus or device the placing or use of which in the relevant area has been authorised under this Part or Part II of the Regulation of Investigatory Powers Act 2000 or under any enactment contained in or made under an Act of the Scottish Parliament which makes provision equivalent to that made by Part II of that Act of 2000.

(1B) Subsection (1) applies where the authorising officer is a customs officer with the omission of—

 - (a) the words “in the relevant area”, in each place where they occur; and
 - (b) paragraph (ab).”
- (4) In subsection (2) (the grounds on which action may be authorised)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (a), for the words from “on the ground” to “detection of” there shall be substituted “for the purpose of preventing or detecting”; and
 - (b) for paragraph (b) there shall be substituted—
 - “(b) that the taking of the action is proportionate to what the action seeks to achieve.”
- (5) After subsection (2) there shall be inserted—
- “(2A) Subsection (2) applies where the authorising officer is the Chief Constable or the Deputy Chief Constable of the Royal Ulster Constabulary as if the reference in subsection (2)(a) to preventing or detecting serious crime included a reference to the interests of national security.
- (2B) The matters to be taken into account in considering whether the requirements of subsection (2) are satisfied in the case of any authorisation shall include whether what it is thought necessary to achieve by the authorised action could reasonably be achieved by other means.”
- (6) In subsection (5) (the meaning of authorising officer)—
- (a) after paragraph (e) there shall be inserted—
 - “(ea) the Chief Constable of the Ministry of Defence Police;
 - (eb) the Provost Marshal of the Royal Navy Regulating Branch;
 - (ec) the Provost Marshal of the Royal Military Police;
 - (ed) the Provost Marshal of the Royal Air Force Police;
 - (ee) the Chief Constable of the British Transport Police;”;
 - (b) in paragraph (g), after “National Crime Squad” there shall be inserted “, or any person holding the rank of assistant chief constable in that Squad who is designated for the purposes of this paragraph by that Director General”; and
 - (c) in paragraph (h), for the word “the”, in the first place where it occurs, there shall be substituted “any”.
- (7) In subsection (6) (the meaning of relevant area), after paragraph (c) there shall be inserted—
- “(ca) in relation to a person within paragraph (ea), means any place where, under section 2 of the Ministry of Defence Police Act 1987, the members of the Ministry of Defence Police have the powers and privileges of a constable;
 - (cb) in relation to a person within paragraph (ee), means the United Kingdom;”.
- (8) After that subsection there shall be inserted—
- “(6A) For the purposes of any authorisation by a person within paragraph (eb), (ec) or (ed) of subsection (5) property is in the relevant area or action in respect of wireless telegraphy is taken in the relevant area if, as the case may be—
- (a) the property is owned, occupied, in the possession of or being used by a person subject to service discipline; or
 - (b) the action is taken in relation to the use of wireless telegraphy by such a person.
- (6B) 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.”