



Covert Human Intelligence Sources (Criminal Conduct) Act 2021

2021 CHAPTER 4

Criminal conduct authorisations

3 Criminal conduct authorisations: safeguards for vulnerable adults

After section 29C of the Regulation of Investigatory Powers Act 2000 (inserted by section 2) insert—

“29D Criminal conduct authorisations: safeguards for vulnerable adults

- (1) This section applies in relation to the grant of a vulnerable adult criminal conduct authorisation.
- (2) “A vulnerable adult criminal conduct authorisation” is an authorisation under section 29B for criminal conduct in the course of, or otherwise in connection with, the conduct of a covert human intelligence source where that source is a vulnerable adult (“the vulnerable adult source”).
- (3) For the purposes of this section, a “vulnerable adult” is a person aged 18 or over who by reason of mental disorder or vulnerability, disability, age or illness, is or may be unable to take care of themselves or to protect themselves against significant harm or exploitation.
- (4) In addition to satisfying the requirements of section 29B, a person may grant a vulnerable adult criminal conduct authorisation only if the person—
 - (a) has considered the results of an appropriate risk assessment;
 - (b) believes that the risks of harm identified by that risk assessment have been properly explained to and understood by the vulnerable adult source; and
 - (c) has taken into account the need to safeguard and promote the best interests of the vulnerable adult source.
- (5) “An appropriate risk assessment” means an assessment which—

- (a) identifies and evaluates the nature and magnitude of the risks of harm to the vulnerable adult source arising in the course of, or as result of, the conduct authorised by the authorisation; and
 - (b) is carried out in accordance with provision made by the Secretary of State by regulations under this paragraph.
- (6) For the purposes of subsections (3), (4)(b) and (5)(a), “harm” means—
 - (a) physical injury; or
 - (b) psychological distress.
- (7) No provision made by or under this section affects the power to make additional provision by order under section 29B(4)(c) or (10) in relation to the grant of a vulnerable adult criminal conduct authorisation.”