
STATUTORY INSTRUMENTS

2000 No. 2793

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Juveniles) Order 2000

Made - - - - *10th October 2000*
Laid before Parliament *16th October 2000*
Coming into force - - *6th November 2000*

The Secretary of State, in exercise of the powers conferred on him by sections 29(2)(c), 29(7)(a) and (b) and 43(8) of the Regulation of Investigatory Powers Act 2000(1), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Juveniles) Order 2000 and shall come into force on 6th November 2000.

Interpretation

2. In this Order—

“the 2000 Act” means the Regulation of Investigatory Powers Act 2000;

“guardian”, in relation to a source, has the same meaning as is given to “guardian of a child” by section 105 of the Children Act 1989(2);

“relative” has the same meaning as it is given by section 105 of the Children Act 1989;

“relevant investigating authority” has the meaning given by section 29(8) of the 2000 Act, and where the activities of a source are to be for the benefit of more than one public authority, each of these authorities is a relevant investigating authority;

“source” means covert human intelligence source.

Sources under 16: prohibition

3. No authorisation may be granted for the conduct or use of a source if:

(a) the source is under the age of sixteen; and

(1) 2000 c. 23.
(2) 1989 c. 41.

- (b) the relationship to which the conduct or use would relate is between the source and his parent or any person who has parental responsibility for him.

Sources under 16: arrangements for meetings

4.—(1) Where a source is under the age of sixteen, the arrangements referred to in section 29(2) (c) of the 2000 Act must be such that there is at all times a person holding an office, rank or position with a relevant investigating authority who has responsibility for ensuring that an appropriate adult is present at meetings to which this article applies.

(2) This article applies to all meetings between the source and a person representing any relevant investigating authority that take place while the source remains under the age of sixteen.

(3) In paragraph (1), “appropriate adult” means:

- (a) the parent or guardian of the source;
- (b) any other person who has for the time being assumed responsibility for his welfare; or
- (c) where no person falling within paragraph (a) or (b) is available, any responsible person aged eighteen or over who is neither a member of nor employed by any relevant investigating authority.

Sources under 18: risk assessments etc.

5. An authorisation for the conduct or use of a source may not be granted or renewed in any case where the source is under the age of eighteen at the time of the grant or renewal, unless:

- (a) a person holding an office, rank or position with a relevant investigating authority has made and, in the case of a renewal, updated a risk assessment sufficient to demonstrate that:
 - (i) the nature and magnitude of any risk of physical injury to the source arising in the course of, or as a result of, carrying out the conduct described in the authorisation have been identified and evaluated; and
 - (ii) the nature and magnitude of any risk of psychological distress to the source arising in the course of, or as a result of, carrying out the conduct described in the authorisation have been identified and evaluated;
- (b) the person granting or renewing the authorisation has considered the risk assessment and has satisfied himself that any risks identified in it are justified and, if they are, that they have been properly explained to and understood by the source; and
- (c) the person granting or renewing the authorisation knows whether the relationship to which the conduct or use would relate is between the source and a relative, guardian or person who has for the time being assumed responsibility for the source’s welfare, and, if it is, has given particular consideration to whether the authorisation is justified in the light of that fact.

Sources under 18: duration of authorisations

6. In relation to an authorisation for the conduct or the use of a source who is under the age of eighteen at the time the authorisation is granted or renewed, section 43(3) of the 2000 Act shall have effect as if the period specified in paragraph (b) of that subsection were one month instead of twelve months.

Home Office
10th October 2000

Charles Clarke
Minister of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 29 of the Regulation of Investigatory Powers Act 2000 allows authorisations to be granted for the use or conduct of covert human intelligence sources.

This Order contains special provisions for the cases of covert human intelligence sources who are under eighteen.