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STATUTORY INSTRUMENTS

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**2009 No. 3404**

The Regulation of Investigatory Powers  
(Covert Human Intelligence Sources: Matters  
Subject to Legal Privilege) Order 2009

PART 2

CONDUCT TO WHICH THIS ORDER APPLIES

**Matters subject to legal privilege**

3.—(1) This Order applies where any conduct that is, or is to be, authorised in an authorisation under section 29 of the 2000 Act consists in any activities involving conduct of a source, or the use of a source, to—

- (a) obtain matters subject to legal privilege,
- (b) provide access to any matters subject to legal privilege to another person, or
- (c) disclose matters subject to legal privilege.

(2) Subject to paragraph (3), an authorisation for conduct to which this Order applies shall not be granted or renewed unless it satisfies the requirements imposed by Part 3.

(3) Where a single authorisation under section 29 of the 2000 Act authorises conduct to which this Order applies and other conduct falling within Part II of that Act, the requirements imposed by Part 3 of this Order shall only apply in relation to those parts of the combined authorisation which authorise conduct falling within paragraph (1).