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STATUTORY INSTRUMENTS

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**2021 No. 601**

**The Regulation of Investigatory Powers (Criminal Conduct Authorisations) (Amendment) Order 2021**

**Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010**

4.—(1) The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(1) is amended as follows.

(2) In article 3 (prescribed offices, ranks and position with relevant public authorities), at the end of paragraph (2)(aa) omit “and” and insert—

“(ab) column (2) of Part 1B of the Schedule (being offices, ranks and positions with the relevant public authorities which are listed in relation to such entries in column (1) of that Part and which are relevant public authorities for the purposes of section 29B of the Act), and”.

(3) For article 4(2) (additional offices, ranks and positions prescribed for urgent cases), substitute—

“(2) An individual holding an office, rank or position which is listed in an entry in column (3) of the Schedule may only grant an authorisation—

- (a) for the purposes of section 28 or 29 of the Act in the case of an entry in Part 1 of the Schedule;
- (b) for the purposes of section 29 or 29B in the case of an entry in Part 1A of the Schedule;
- (c) for the purposes of section 29B only in the case of an entry in Part 1B; or
- (d) for the purposes of section 28 only in the case of an entry in Part 2,

where it is not reasonably practicable, having regard to the urgency of the case, for the application for an authorisation to be considered by an individual with the same relevant public authority holding an office, rank or position which is listed in column (2) of the Schedule.”.

(4) In article 5 (restrictions on the granting of authorisations)—

- (a) in paragraph (1), after “column (2) or (3)” insert “of Parts 1, 1A and 2”;
- (b) after paragraph (1), insert—

“(1A) An individual holding an office, rank or position which is listed in an entry in column (2) or (3) of Part 1A of the Schedule may not grant an authorisation under section 29B unless that individual believes it is necessary for any of the grounds set out in the corresponding entry in column (5) of that Part.

(1B) An individual holding an office, rank or position which is listed in an entry in column (2) or (3) of Part 1B of the Schedule may not grant an authorisation under section 29B unless that individual believes it is necessary for any of the grounds set out in section 29B(5) of the Act which are listed in the corresponding entry in column (4) of that Part.”;

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(1) [S.I. 2010/521](#). Article 2(aa) was inserted by [S.I. 2013/2788](#); article 4(2) was amended by [S.I. 2012/1500](#) and by [S.I. 2013/2788](#); article 5 was amended by [S.I. 2013/2788](#); and Part 1A of the Schedule was inserted by [S.I. 2013/2788](#).

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- (c) in paragraph (2)—
  - (i) in sub-paragraph (aa)—
    - (aa) after “29(3)” insert “or 29B(5)”;
      - (bb) omit “or” at the end of the sub-paragraph;
  - (ii) after sub-paragraph (aa), insert—
    - “(ab) section 29B(5) of the Act in the case of an entry in Part 1B, or”.

(5) In article 8 (restrictions on granting of authorisations apply to more senior offices etc.), for “28 and 29” substitute “28, 29 and 29B”.

(6) In Part 1 of the Schedule (offices etc. and restrictions in respect of public authorities specified in Part 1 of Schedule 1 to the Act)—

- (a) in the entry for the Police Service of Northern Ireland, column (3), for “Inspector” substitute “Superintendent”;
- (b) in the entry for the Ministry of Justice—
  - (i) for both entries in column (2), substitute “A civil servant at Band 8 or above of Her Majesty’s Prison and Probation Service”;
  - (ii) for both entries in column (3), substitute “A civil servant at Band 8 or above of Her Majesty’s Prison and Probation Service”;
- (c) in the entry for the Environment Agency, omit “Area Director or”;
- (d) in the entry for the Food Standards Agency—
  - (i) for each entry in column (2) substitute “Grade 6 Deputy Head of the National Food Crime Unit or Head of Litigation in the Legal Department”;
  - (ii) for each entry in column (3), substitute—

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**“Section 28 authorisation**

Grade 7 Head of Intelligence or Head of Investigations in the National Food Crime Unit

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**Section 29 authorisation**

Grade 7 Head of Intelligence or Head of Investigations in the National Food Crime Unit”.

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(7) For the table in Part 1A of the Schedule, substitute the following table—

<i>“(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Relevant public authorities</i>	<i>Prescribed offices etc</i>	<i>Urgent Cases</i>	<i>Grounds set out in section 29(3) of the Act</i>	<i>Grounds set out in section 29B(5) of the Act</i>
A police force maintained under section 2 of the Police Act 1996(2)	<b>Relevant Source Authorisation</b> Assistant Chief Constable	Superintendent	Paragraphs (a), (b), (c), (d) and (e)	Paragraphs (a), (b) and (c)

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(2) 1996 c. 16. Section 2 was amended by section 99 of, and paragraphs 1 and 4 (1) to (3) of Part 1 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

<i>“(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Relevant public authorities</i>	<i>Prescribed offices etc</i>	<i>Urgent Cases</i>	<i>Grounds set out in section 29(3) of the Act</i>	<i>Grounds set out in section 29B(5) of the Act</i>
<b>Long Term Authorisation</b>				
Chief Constable				
The City of London Police Force	<b>Relevant Source Authorisation</b>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)	Paragraphs (a), (b) and (c)
Commander				
<b>Long Term Authorisation</b>				
Commissioner				
The Metropolitan Police Force	<b>Relevant Source Authorisation</b>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)	Paragraphs (a), (b) and (c)
Commander				
<b>Long Term Authorisation</b>				
Assistant Commissioner				
The Police Service of Northern Ireland	<b>Relevant Source Authorisation</b>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)	Paragraphs (a), (b) and (c)
Assistant Chief Constable				
<b>Long Term Authorisation</b>				
Chief Constable				
The Police Service of Scotland	<b>Relevant Source Authorisation</b>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)	Paragraphs (a) and (c)
Assistant Chief Constable				
<b>Long Term Authorisation</b>				
Chief Constable				

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<i>“(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Relevant public authorities</i>	<i>Prescribed offices etc</i>	<i>Urgent Cases</i>	<i>Grounds set out in section 29(3) of the Act</i>	<i>Grounds set out in section 29B(5) of the Act</i>
The Ministry of Defence Police	<b>Relevant Source Authorisation</b>  Assistant Chief Constable  <b>Long Term Authorisation</b>  Chief Constable	Superintendent	Paragraphs (b) and (c)	Paragraphs (a), (b) and (c)
The Royal Navy Police	<b>Relevant Source Authorisation</b>  Commander  <b>Long Term Authorisation</b>  Provost Marshal (Navy)	Lieutenant Commander	Paragraphs (b) and (c)	Paragraphs (a), (b) and (c)
The Royal Military Police	<b>Relevant Source Authorisation</b>  Colonel  <b>Long Term Authorisation</b>  Provost Marshal (Army)	Major	Paragraphs (b) and (c)	Paragraphs (a), (b) and (c)
The Royal Air Force Police	<b>Relevant Source Authorisation</b>  Wing Commander  <b>Long Term Authorisation</b>  Provost Marshal (Royal Air Force)	Squadron Leader	Paragraphs (b) and (c)	Paragraphs (a), (b) and (c)
The British Transport Police	<b>Relevant Source Authorisation</b>	Superintendent	Paragraphs (b), (c), (d) and (e)	Paragraphs (a), (b) and (c)

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(1)	(2)	(3)	(4)	(5)
<i>Relevant public authorities</i>	<i>Prescribed offices etc</i>	<i>Urgent Cases</i>	<i>Grounds set out in section 29(3) of the Act</i>	<i>Grounds set out in section 29B(5) of the Act</i>
	Assistant Chief Constable			
	<b>Long Term Authorisation</b>			
	Chief Constable			
The National Crime Agency	<b>Relevant Source Authorisation</b>	Grade 2 Senior Manager	Paragraph (b)	Paragraph (b)
	Deputy Director			
	<b>Long Term Authorisation</b>			
	Deputy Director General			
Her Majesty's Revenue and Customs	<b>Relevant Source Authorisation</b>	Senior Officer	Paragraphs (a), (b), (d), (e) and (f)	Paragraphs (a) and (b)
	Assistant Director			
	<b>Long Term Authorisation</b>			
	Director Criminal Investigation			
The Home Office	<b>Relevant Source Authorisation</b>	Grade 6 with responsibility for criminal investigations in relation to immigration and border security	Paragraphs (b), (c) and (d)	Paragraphs (b) and (c)".
	Senior Civil Service pay band 1 with responsibility for criminal investigations in relation to immigration and border security			
	<b>Long Term Authorisation</b>			
	Director General with responsibility for criminal			

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Relevant public authorities</i>	<i>Prescribed offices etc</i>	<i>Urgent Cases</i>	<i>Grounds set out in section 29(3) of the Act</i>	<i>Grounds set out in section 29B(5) of the Act</i>
	investigations in relation to immigration and border security			

(8) After Part 1A of the Schedule, insert—

## “PART 1B

### Offices etc and Restrictions in Respect of Public Authorities Specified in Part A1 of Schedule 1 to the Act

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Relevant public authorities</i>	<i>Prescribed Offices etc</i>	<i>Urgent cases</i>	<i>Grounds set out in section 29B(5)</i>
A police force maintained under section 2 of the Police Act 1996	Superintendent	Inspector	Paragraphs (a), (b) and (c)
The Metropolitan police force	Superintendent	Inspector	Paragraphs (a), (b) and (c)
The City of London police force	Superintendent	Inspector	Paragraphs (a), (b) and (c)
The Police Service of Scotland <sup>(3)</sup>	Superintendent	Inspector	Paragraphs (a) and (c)
The Police Service of Northern Ireland	Superintendent	Superintendent	Paragraphs (a), (b) and (c)
The Ministry of Defence Police	Superintendent	Inspector	Paragraphs (a), (b) and (c)
The Royal Navy Police	Commander	Lieutenant Commander	Paragraphs (a), (b) and (c)
The Royal Military Police	Lieutenant Colonel	Major	Paragraphs (a), (b) and (c)
The Royal Air Force Police	Wing Commander	Squadron Leader	Paragraphs (a), (b) and (c)

(3) Only provision relating to reserved matters is made for the Police Service of Scotland because the changes made by the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 to the Regulation of Investigatory Powers Act 2000 only relate to reserved matters, within the meaning of the Scotland Act 1998 (c. 46).

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Relevant public authorities</i>	<i>Prescribed Offices etc</i>	<i>Urgent cases</i>	<i>Grounds set out in section 29B(5)</i>
The British Transport Police	Superintendent	Inspector	Paragraphs (a), (b) and (c)
The National Crime Agency	Senior Manager (Grade 2)	Principal (Grade 3)	Officer Paragraph (b)
The Security Service	General Duties 3 or any other Officer at Level 3	–	Paragraphs (a), (b) and (c)
The Secret Intelligence Service	Grade 6 or equivalent	–	Paragraphs (a), (b) and (c)
The Government Communications Headquarters	GC8	–	Paragraphs (a), (b) and (c)
The Royal Navy	Commander	Lieutenant Commander	Paragraphs (a), (b) and (c)
The Army	Lieutenant Colonel	Major	Paragraphs (a), (b) and (c)
The Royal Air Force	Wing Commander	Squadron Leader	Paragraphs (a), (b) and (c)
Her Majesty's Revenue and Customs	Senior Officer	Higher Officer	Paragraphs (a) and (b)
The Department of Health and Social Care	Grade 6 in the Medicines and Healthcare Products Regulatory Authority	Grade 7 in the Medicines and Healthcare Products Regulatory Authority	Paragraph (b)
The Home Office	Immigration Inspector or Senior Officer with responsibility for immigration and border security investigations and functions	Chief Immigration Officer or Higher Officer with responsibility for immigration and border security investigations and functions	Paragraphs (b) and (c)
The Ministry of Justice	A civil servant at Band 8 or above of Her Majesty's Prison and Probation Service	A civil servant at Band 8 or above of Her Majesty's Prison and Probation Service	Paragraph (b)
The Competition and Markets Authority	Any member of the Senior Civil Service with responsibility for cartels or criminal enforcement	Grade 6 in the Cartels and Criminal Enforcement Group	Paragraphs (b) and (c)
The Environment Agency	Deputy Director National Enforcement	–	Paragraph (b)

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Relevant public authorities</i>	<i>Prescribed Offices etc</i>	<i>Urgent cases</i>	<i>Grounds set out in section 29B(5)</i>
	Service or equivalent Deputy Director		
The Financial Conduct Authority	A Head of Department in the Enforcement and Financial Crime Division	A Manager in the Enforcement and Financial Crime Division	Paragraph (b)
The Food Standards Agency	Grade 6 Deputy Head of the National Food Crime Unit or Head of Litigation in the Legal Department	Grade 7 Head of Intelligence or Head of Investigations in the National Food Crime Unit	Paragraph (b)
The Gambling Commission	Senior Manager	–	Paragraph (b)
The Serious Fraud Office	Grade 6	–	Paragraph (b)”

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