
Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+N.I. - England, Wales and Northern Ireland extentS - Scotland extent
Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 76A is up to date with all changes known to be in force on or before 09 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

[^{F1}76A Foreign surveillance operations **E+W+N.I.**

- (1) This section applies where—
 - (a) a foreign police or customs officer is carrying out relevant surveillance outside the United Kingdom which is lawful under the law of the country or territory in which it is being carried out;
 - (b) circumstances arise by virtue of which the surveillance can for the time being be carried out only in the United Kingdom; and
 - (c) it is not reasonably practicable in those circumstances for a United Kingdom officer to carry out the surveillance in the United Kingdom in accordance with an authorisation under Part 2 or the Regulation of Investigatory Powers (Scotland) Act 2000.
- (2) “Relevant surveillance” means surveillance which—
 - (a) is carried out in relation to a person who is suspected of having committed a relevant crime; and
 - (b) is, for the purposes of Part 2, directed surveillance or intrusive surveillance.
- (3) “Relevant crime” means crime which—
 - ^{F2}(a)
 - (b) is crime for the purposes of any ^{F3}... international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.

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- (4) Relevant surveillance carried out by the foreign police or customs officer in the United Kingdom during the permitted period is to be lawful for all purposes if—
- (a) the condition mentioned in subsection (6) is satisfied;
 - (b) the officer carries out the surveillance only in places to which members of the public have or are permitted to have access, whether on payment or otherwise; and
 - (c) conditions specified in any order made by the Secretary of State with the consent of the Scottish Ministers are satisfied in relation to its carrying out;
- but no surveillance is lawful by virtue of this subsection if the officer subsequently seeks to stop and question the person in the United Kingdom in relation to the relevant crime.
- (5) The officer is not to be subject to any civil liability in respect of any conduct of his which is incidental to any surveillance that is lawful by virtue of subsection (4).
- (6) The condition in this subsection is satisfied if, immediately after the officer enters the United Kingdom—
- (a) he notifies a person designated by the [^{F4}Director General of the National Crime Agency] of that fact; and
 - (b) (if the officer has not done so before) he requests an application to be made for an authorisation under Part 2, or the Regulation of Investigatory Powers (Scotland) Act 2000, for the carrying out of the surveillance.
- (7) “The permitted period” means the period of five hours beginning with the time when the officer enters the United Kingdom.
- (8) But a person designated by an order made by the Secretary of State may notify the officer that the surveillance is to cease being lawful by virtue of subsection (4) when he gives the notification.
- (9) The Secretary of State is not to make an order under subsection (4) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (10) In this section references to a foreign police or customs officer are to a police or customs officer who, in relation to a country or territory other than the United Kingdom, is an officer for the purposes of—
- ^{F5}(a)
 - (b) any ^{F6}... international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (11) In this section—
- ^{F7} ...
- “United Kingdom officer” means—
- (a) a member of a police force;
 - (b) [^{F8}a National Crime Agency officer;]
 - (c) ^{F9} ...
 - (d) [^{F10}an officer of Revenue and Customs.]]

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Extent Information

- E1** This version extends to England, Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 76A inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. **83**, **94**; S.I. 2004/786, **art. 3(1)(2)**
- F2** S. 76A(3)(a) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(a)(i)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 76A(3)(b) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(a)(ii)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 76A(6)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 98(2)**; S.I. 2013/1682, art. 3(v)
- F5** S. 76A(10)(a) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(a)(i)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in s. 76A(10)(b) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(a)(ii)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 76A(11) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(b)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 76A(11) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 98(3)**; S.I. 2013/1682, art. 3(v)
- F9** Words in s. 76A(11) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 33(23)**
- F10** Words in s. 76A(11) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, **Sch. 12 para. 26**; S.I. 2008/219, **art. 2(b)**

76A Foreign surveillance operations **S**

- (1) This section applies where—
- a foreign police or customs officer is carrying out relevant surveillance outside the United Kingdom which is lawful under the law of the country or territory in which it is being carried out;
 - circumstances arise by virtue of which the surveillance can for the time being be carried out only in the United Kingdom; and
 - it is not reasonably practicable in those circumstances for a United Kingdom officer to carry out the surveillance in the United Kingdom in accordance with an authorisation under Part 2 or the Regulation of Investigatory Powers (Scotland) Act 2000.
- (2) “Relevant surveillance” means surveillance which—
- is carried out in relation to a person who is suspected of having committed a relevant crime; and
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- (3) “Relevant crime” means crime which—
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- (b) is crime for the purposes of any ^{F3}... international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (4) Relevant surveillance carried out by the foreign police or customs officer in the United Kingdom during the permitted period is to be lawful for all purposes if—
- (a) the condition mentioned in subsection (6) is satisfied;
- (b) the officer carries out the surveillance only in places to which members of the public have or are permitted to have access, whether on payment or otherwise; and
- (c) conditions specified in any order made by the Secretary of State with the consent of the Scottish Ministers are satisfied in relation to its carrying out;
- but no surveillance is lawful by virtue of this subsection if the officer subsequently seeks to stop and question the person in the United Kingdom in relation to the relevant crime.
- (5) The officer is not to be subject to any civil liability in respect of any conduct of his which is incidental to any surveillance that is lawful by virtue of subsection (4).
- (6) The condition in this subsection is satisfied if, immediately after the officer enters the United Kingdom—
- (a) he notifies a person designated by the [^{F4}Director General of the National Crime Agency] of that fact; and
- (b) (if the officer has not done so before) he requests an application to be made for an authorisation under Part 2, or the Regulation of Investigatory Powers (Scotland) Act 2000, for the carrying out of the surveillance.
- (7) “The permitted period” means the period of five hours beginning with the time when the officer enters the United Kingdom.
- (8) But a person designated by an order made by the Secretary of State may notify the officer that the surveillance is to cease being lawful by virtue of subsection (4) when he gives the notification.
- (9) The Secretary of State is not to make an order under subsection (4) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (10) In this section references to a foreign police or customs officer are to a police or customs officer who, in relation to a country or territory other than the United Kingdom, is an officer for the purposes of—
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- (11) In this section—
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- “United Kingdom officer” means—
- (a) a member of a police force;

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- (b) [^{F8}a National Crime Agency officer;]
- (c) ^{F9} ...
- (d) [^{F10}an officer of Revenue and Customs.]

Extent Information

- E2** This version extends to Scotland only; a separate version has been created for England, Wales and Northern Ireland only

Textual Amendments

- F2** S. 76A(3)(a) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(a)(i)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 76A(3)(b) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **9(a)(ii)** (with reg. 10) (as amended by S.I. 2020/1408, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
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- F10** Words in s. 76A(11) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, **Sch. 12 para. 26**; S.I. 2008/219, art. 2(b)

Modifications etc. (not altering text)

- C1** S. 76A(11) modified (S.) (1.4.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), arts. 1(3), 6, **Sch. para. 4(16)**

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Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)