



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Authorisation of surveillance and human intelligence sources*

#### **27 Lawful surveillance etc.**

- (1) Conduct to which this Part applies shall be lawful for all purposes if—
  - (a) an authorisation under this Part confers an entitlement to engage in that conduct on the person whose conduct it is; and
  - (b) his conduct is in accordance with the authorisation.
- (2) A person shall not be subject to any civil liability in respect of any conduct of his which—
  - (a) is incidental to any conduct that is lawful by virtue of subsection (1); and
  - (b) is not itself conduct an authorisation or warrant for which is capable of being granted under a relevant enactment and might reasonably have been expected to have been sought in the case in question.
- (3) The conduct that may be authorised under this Part includes conduct outside the United Kingdom.
- (4) In this section “relevant enactment” means—
  - (a) an enactment contained in this Act [<sup>F1</sup>or the Investigatory Powers Act 2016];
  - (b) section 5 of the <sup>M1</sup>Intelligence Services Act 1994 (warrants for the intelligence services); or
  - (c) an enactment contained in Part III of the <sup>M2</sup>Police Act 1997 (powers of the police and of [<sup>F2</sup>officers of Revenue and Customs].)

**Changes to legislation:** *Regulation of Investigatory Powers Act 2000, Cross Heading: Authorisation of surveillance and human intelligence sources is up to date with all changes known to be in force on or before 08 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*

#### Textual Amendments

- F1** Words in s. 27(4)(a) inserted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), [Sch. 10 para. 4](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, reg. 12(g)(i)
- F2** Words in s. 27(4)(c) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 9](#); S.I. 2008/219, [art. 2\(b\)](#)

#### Marginal Citations

- M1** [1994 c. 13.](#)
- M2** [1997 c. 50.](#)

### [<sup>F3</sup>27A Section 27: criminal injuries compensation for s. 29B conduct

For the purposes of—

- (a) the Criminal Injuries Compensation Act 1995,
- (b) the Scheme made under that Act,
- (c) the Criminal Injuries Compensation (Northern Ireland) Order 2002 (S.I. 2002/796 (N.I. 1)), and
- (d) the Scheme made under that Order,

section 27(1) has no effect in relation to conduct authorised under section 29B.]

#### Textual Amendments

- F3** S. 27A inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), [ss. 5, 9\(2\)](#); S.I. 2021/605, reg. 2(a)(b)(c)

## 28 Authorisation of directed surveillance.

- (1) Subject to the following provisions of this Part, the persons designated for the purposes of this section shall each have power to grant authorisations for the carrying out of directed surveillance.
- (2) A person shall not grant an authorisation for the carrying out of directed surveillance unless he believes—
  - (a) that the authorisation is necessary on grounds falling within subsection (3); and
  - (b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.
- (3) An authorisation is necessary on grounds falling within this subsection if it is necessary—
  - (a) in the interests of national security;
  - (b) for the purpose of preventing or detecting crime or of preventing disorder;
  - (c) in the interests of the economic well-being of the United Kingdom;
  - (d) in the interests of public safety;
  - (e) for the purpose of protecting public health;
  - (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or

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- (g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.
- (4) The conduct that is authorised by an authorisation for the carrying out of directed surveillance is any conduct that—
  - (a) consists in the carrying out of directed surveillance of any such description as is specified in the authorisation; and
  - (b) is carried out in the circumstances described in the authorisation and for the purposes of the investigation or operation specified or described in the authorisation.
- (5) The Secretary of State shall not make an order under subsection (3)(g) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

## 29 Authorisation of covert human intelligence sources.

- (1) Subject to the following provisions of this Part, the persons designated for the purposes of this section shall each have power to grant authorisations for the conduct or the use of a covert human intelligence source.
- (2) A person shall not grant an authorisation for the conduct or the use of a covert human intelligence source unless he believes—
  - (a) that the authorisation is necessary on grounds falling within subsection (3);
  - (b) that the authorised conduct or use is proportionate to what is sought to be achieved by that conduct or use; and
  - [<sup>F4</sup>(c) that arrangements exist for the source's case that satisfy—
    - (i) the requirements of subsection (4A), in the case of a source of a relevant collaborative unit;
    - <sup>F5</sup>(ii) . . . . .
    - (iii) the requirements of subsection (5), in the case of any other source;and that satisfy such other requirements as may be imposed by order made by the Secretary of State.]
- [<sup>F6</sup>(2A) For the meaning of “relevant collaborative unit” in subsection (2)(c)(i), see section 29A.]
- (3) An authorisation is necessary on grounds falling within this subsection if it is necessary—
  - (a) in the interests of national security;
  - (b) for the purpose of preventing or detecting crime or of preventing disorder;
  - (c) in the interests of the economic well-being of the United Kingdom;
  - (d) in the interests of public safety;
  - (e) for the purpose of protecting public health;
  - (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or
  - (g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.
- (4) The conduct that is authorised by an authorisation for the conduct or the use of a covert human intelligence source is any conduct that—

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- (a) is comprised in any such activities involving conduct of a covert human intelligence source, or the use of a covert human intelligence source, as are specified or described in the authorisation;
- (b) consists in conduct by or in relation to the person who is so specified or described as the person to whose actions as a covert human intelligence source the authorisation relates; and
- (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

[<sup>F7</sup>(4A) For the purposes of this Part there are arrangements for the source's case that satisfy the requirements of this subsection if such arrangements are in force as are necessary for ensuring—

- (a) that there will at all times be a qualifying person who will have day-to-day responsibility for dealing with the source, and for the source's security and welfare [<sup>F8</sup> (see section 29A for the meaning of “qualifying person”) ];
- (b) that there will at all times be another qualifying person who will have general oversight of the use made of the source;
- (c) that there will at all times be a qualifying person who will have responsibility for maintaining a record of the use made of the source;
- (d) that the records relating to the source that are maintained by virtue of paragraph (c) will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that records maintained by virtue of paragraph (c) that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

<sup>F9</sup>(4B) . . . . .]

(5) For the purposes of this Part there are arrangements for the source's case that satisfy the requirements of this subsection if such arrangements are in force as are necessary for ensuring—

- (a) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have day-to-day responsibility for dealing with the source on behalf of that authority, and for the source's security and welfare;
- (b) that there will at all times be another person holding an office, rank or position with the relevant investigating authority who will have general oversight of the use made of the source;
- (c) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of the source;
- (d) that the records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

(6) The Secretary of State shall not make an order under subsection (3)(g) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

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[<sup>F10</sup>(6ZA) An authorisation for the conduct or the use of a covert human intelligence source does not authorise any criminal conduct in the course of, or otherwise in connection with, the conduct of a covert human intelligence source (but see section 29B for provision for the authorisation of such conduct).]

[<sup>F11</sup>(6A) An authorisation under this section may not have the effect of authorising a covert human intelligence source who is a person designated under section 38 of the Police Reform Act 2002 to establish contact in person with another person.]

(7) The Secretary of State may by order—

- (a) prohibit the authorisation under this section of any such conduct or uses of covert human intelligence sources as may be described in the order; and
- (b) impose requirements, in addition to those provided for by subsection (2), that must be satisfied before an authorisation is granted under this section for any such conduct or uses of covert human intelligence sources as may be so described.

<sup>F12</sup>(7A) .....

<sup>F13</sup>(7B) .....

(8) In this section “relevant investigating authority”, in relation to an authorisation for the conduct or the use of an individual as a covert human intelligence source, means (subject to subsection (9)) the public authority for whose benefit the activities of that individual as such a source are to take place.

(9) In the case of any authorisation for the conduct or the use of a covert human intelligence source whose activities are to be for the benefit of more than one public authority, the references in subsection (5) to the relevant investigating authority are references to one of them (whether or not the same one in the case of each reference).

<sup>F14</sup>(10) .....

#### Textual Amendments

- F4** S. 29(2)(c) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 8(2)**, 116; S.I. 2009/3096, **art. 3(c)**
- F5** S. 29(2)(c)(ii) 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(9)(a)**
- F6** S. 29(2A) substituted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), **Sch. 19 para. 3(2)**
- F7** S. 29(4A)(4B) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 8(4)**, 116; S.I. 2009/3096, **art. 3(c)**
- F8** Words in s. 29(4A)(a) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), **Sch. 19 para. 3(3)**
- F9** S. 29(4B) 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(9)(c)**
- F10** S. 29(6ZA) inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), **ss. 1(4)**, 9(2); S.I. 2021/605, reg. 2(a)(b)(c) (with reg. 3(a)(b)(c))

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- F11** S. 29(6A) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 44**, 183(1)(5)(e); S.I. 2017/1139, [reg. 2\(j\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F12** S. 29(7A) omitted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), **Sch. 19 para. 3(4)**
- F13** S. 29(7B) 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(9)(c)**
- F14** S. 29(10) omitted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), **Sch. 19 para. 3(5)**

**Modifications etc. (not altering text)**

- C1** S. 29 excluded (10.8.2021 for specified purposes, 15.9.2021 for specified purposes) by S.I. 2000/2793, **art. 5** (as amended by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), **ss. 2(6)**, 9(2) (with s. 2(9)); S.I. 2021/605, **reg. 2(a)(b)**)
- C2** S. 29 excluded (10.8.2021 for specified purposes, 15.9.2021 for specified purposes) by S.I. 2000/2793, **art. 3** (as amended by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), **ss. 2(5)**, 9(2) (with s. 2(9)); S.I. 2021/605, **reg. 2(a)(b)**)
- C3** S. 29(2)(c) modified (6.11.2000) by S.I. 2000/2793, **art. 4**

**[<sup>F15</sup>29A Section 29: supplementary provision in relation to relevant collaborative units**

- (1) For the purposes of section 29(2)(c)(i), a “relevant collaborative unit” is a unit that falls within subsection (2) or (3).
- (2) A unit falls within this subsection if—
  - (a) it consists of two or more police forces whose chief officers of police have made an agreement under section 22A of the Police Act 1996, and
  - (b) the agreement relates to the discharge by persons holding offices, ranks or positions with any of the forces of functions in connection with the conduct or use of the covert human intelligence source concerned.
- (3) A unit falls within this subsection if—
  - (a) it consists of one or more police forces and the National Crime Agency,
  - (b) it is in place by virtue of an agreement made under section 22A of the Police Act 1996, and
  - (c) the agreement relates to the discharge by persons holding offices, ranks or positions within any such force, or by persons who are National Crime Agency officers, of functions in connection with the conduct or use of the covert human intelligence source concerned.
- (4) In the case of a relevant collaborative unit that falls within subsection (2), a person is a “qualifying person” for the purposes of section 29(4A) if—
  - (a) the person holds an office, rank or position with a police force whose chief officer of police is a party to the agreement mentioned in subsection (2)(a) above, and
  - (b) the person is permitted by the terms of the agreement to have the responsibility mentioned in section 29(4A)(a) or (c) or the general oversight mentioned in section 29(4A)(b).
- (5) In the case of a relevant collaborative unit that falls within subsection (3), a person is a qualifying person for the purposes of section 29(4A) if—

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- (a) the person—
    - (i) is a National Crime Agency officer, or
    - (ii) holds an office, rank or position with a police force whose chief officer of police is a party to the agreement mentioned in subsection (3)(b) above, and
  - (b) the person is permitted by the terms of the agreement to have the responsibility mentioned in section 29(4A)(a) or (c) or the general oversight mentioned in section 29(4A)(b).
- (6) For the purposes of this section references to a police force are to the following—
- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London),
  - (b) the metropolitan police force, and
  - (c) the City of London police force.]

#### Textual Amendments

**F15** S. 29A inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), [Sch. 19 para. 4](#)

### [<sup>F16</sup>**29B Covert human intelligence sources: criminal conduct authorisations**

- (1) Subject to the following provisions of this Part, the persons designated for the purposes of this section each have power to grant criminal conduct authorisations.
- (2) A “criminal conduct authorisation” is an authorisation for criminal conduct in the course of, or otherwise in connection with, the conduct of a covert human intelligence source.
- (3) A criminal conduct authorisation may only be granted in relation to a covert human intelligence source after, or at the same time as, an authorisation under section 29 which authorises the conduct or the use of the covert human intelligence source concerned.
- (4) A person may not grant a criminal conduct authorisation unless the person believes—
  - (a) that the authorisation is necessary on grounds falling within subsection (5);
  - (b) that the authorised conduct is proportionate to what is sought to be achieved by that conduct; and
  - (c) that arrangements exist that satisfy such requirements as may be imposed by order made by the Secretary of State.
- (5) A criminal conduct authorisation is necessary on grounds falling within this subsection if it is necessary—
  - (a) in the interests of national security;
  - (b) for the purpose of preventing or detecting crime or of preventing disorder; or
  - (c) in the interests of the economic well-being of the United Kingdom.
- (6) In considering whether the requirements in subsection (4)(a) and (b) are satisfied, the person must take into account whether what is sought to be achieved by the authorised conduct could reasonably be achieved by other conduct which would not constitute crime.

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- (7) Subsection (6) is without prejudice to the need to take into account other matters so far as they are relevant (for example, the requirements of the Human Rights Act 1998).
- (8) The conduct that is authorised by a criminal conduct authorisation is any conduct that—
- (a) is comprised in any activities—
    - (i) which involve criminal conduct in the course of, or otherwise in connection with, the conduct of a covert human intelligence source, and
    - (ii) are specified or described in the authorisation;
  - (b) consists in conduct by or in relation to the person who is so specified or described as the covert human intelligence source to whom the authorisation relates; and
  - (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.
- (9) If an authorisation under section 29, which authorises the conduct or the use of a covert human intelligence source to whom a criminal conduct authorisation relates, ceases to have effect, the criminal conduct authorisation also ceases to have effect so far as it relates to that covert human intelligence source (but this is without prejudice to whether the criminal conduct authorisation continues to have effect so far as it relates to any other covert human intelligence source).
- (10) The Secretary of State may by order—
- (a) prohibit the authorisation under this section of any such conduct as may be described in the order; and
  - (b) impose requirements, in addition to those provided for by subsections (3) and (4) and sections 29C and 29D, that must be satisfied before an authorisation is granted under this section for any such conduct as may be so described.]

#### Textual Amendments

- F16** S. 29B inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 1\(5\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#) (with [reg. 3\(a\)\(b\)\(c\)](#))

#### Modifications etc. (not altering text)

- C4** S. 29B excluded (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [S.I. 2000/2793, art. 7\(1\)](#) (as inserted by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 2\(8\), 9\(2\)](#) (with [s. 2\(9\)](#)); [S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#))
- C5** S. 29B excluded (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [S.I. 2000/2793, art. 8\(1\)](#) (as inserted by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 2\(8\), 9\(2\)](#) (with [s. 2\(9\)](#)); [S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#))
- C6** S. 29B(4)(c) modified (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [S.I. 2000/2793, art. 9](#) (as inserted by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 2\(8\), 9\(2\)](#) (with [s. 2\(9\)](#)); [S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#))



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## **[<sup>F17</sup>29C Criminal conduct authorisations: safeguards for juveniles**

- (1) This section applies in relation to the grant of a juvenile criminal conduct authorisation.
- (2) “A juvenile 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 under the age of 18 (“the juvenile source”).
- (3) In addition to satisfying the requirements of section 29B, a person may grant a juvenile criminal conduct authorisation only if—
  - (a) the person has considered the results of an appropriate risk assessment;
  - (b) there are exceptional circumstances such that—
    - (i) it is not reasonably foreseeable in the circumstances as the person believes them to be that any harm to the juvenile source would result from the grant of the authorisation, and
    - (ii) the person believes the authorisation would be compatible with the need to safeguard and promote the best interests of the juvenile source; and
  - (c) the person believes that appropriate arrangements for meetings are in force.
- (4) For the purposes of subsection (3)(a), “an appropriate risk assessment” means an assessment which—
  - (a) identifies and evaluates the nature and magnitude of the risks of harm to the juvenile 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.
- (5) In subsections (3)(b)(i) and (4)(a), “harm” means—
  - (a) physical injury; or
  - (b) psychological distress.
- (6) For the purposes of subsection (3)(c), “appropriate arrangements for meetings” are such arrangements for the juvenile source's case as are necessary for ensuring—
  - (a) that, at all times when the juvenile source is under the age of 16, there will be a relevant person who will have responsibility for ensuring that an appropriate adult is present at all meetings in relation to the authorisation which take place between the source and a person representing a relevant investigating authority; and
  - (b) that, at all times when the juvenile source is 16 or 17 years old, there will be a relevant person who will have responsibility for—
    - (i) ensuring that an appropriate adult is present at all meetings in relation to the authorisation which take place between the source and a person representing a relevant investigating authority, other than any such meeting in relation to which a relevant person decides there are circumstances which justify the absence of an appropriate adult, and
    - (ii) maintaining a record of the reasons for each such decision that there are circumstances in relation to a meeting which justify the absence of an appropriate adult.
- (7) In subsection (6)—

“appropriate adult”, in relation to a juvenile source, means—

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- (a) the parent or guardian of the juvenile source; or
- (b) any other person who—
  - (i) has for the time being assumed responsibility for the juvenile source's welfare, or
  - (ii) is otherwise qualified to represent the interests of the juvenile source;

“relevant investigating authority”, in relation to a juvenile criminal conduct authorisation, means the public authority, or (as the case may be) one of the public authorities, for whose benefit the activities of the juvenile source as a covert human intelligence source are to take place;

“relevant person”, in relation to a juvenile criminal conduct authorisation, means a person holding an office, rank or position with a relevant investigating authority in relation to the authorisation;

and in this subsection, “guardian”, in relation to a juvenile source, has the same meaning as “guardian of a child” in the Children Act 1989 (see section 105 of that Act).

- (8) 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 juvenile criminal conduct authorisation.]

#### Textual Amendments

- F17** S. 29C inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), ss. 2(1), 9(2); S.I. 2021/605, reg. 2(a)(b)(c)

### [<sup>F18</sup>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—

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- (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.]

#### Textual Amendments

**F18** S. 29D inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 3, 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)

### 30 Persons entitled to grant authorisations under ss. 28 <sup>F19</sup>, 29 and 29B].

- (1) Subject to subsection (3), the persons designated for the purposes of sections 28 <sup>F20</sup>, 29 and 29B] are the individuals holding such offices, ranks or positions with relevant public authorities as are prescribed for the purposes of this subsection by an order under this section.
- (2) For the purposes of the grant of an authorisation that combines—
  - (a) an authorisation under section 28 <sup>F21</sup>, 29 or 29B], and
  - (b) an authorisation by the Secretary of State for the carrying out of intrusive surveillance,the Secretary of State himself shall be a person designated for the purposes of that section.
- (3) An order under this section may impose restrictions—
  - (a) on the authorisations under sections 28 <sup>F22</sup>, 29 and 29B] that may be granted by any individual holding an office, rank or position with a specified public authority; and
  - (b) on the circumstances in which, or the purposes for which, such authorisations may be granted by any such individual.
- (4) A public authority is a relevant public authority for the purposes of this section—
  - (a) in relation to section 28 if it is specified in Part <sup>F23</sup>A1, 1 or 2] of Schedule 1; <sup>F24</sup>...
  - (b) in relation to section 29 if it is specified in Part <sup>F25</sup>A1 or 1] of that Schedule <sup>F26</sup>; and
  - (c) in relation to section 29B if it is specified in Part A1 of that Schedule]
- (5) An order under this section may amend Schedule 1 by—
  - (a) adding a public authority to Part <sup>F27</sup>A1, 1 or 2] of that Schedule;
  - (b) removing a public authority from that Schedule;

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- (c) moving a public authority from one Part of that Schedule to [<sup>F28</sup>another];
  - (d) making any change consequential on any change in the name of a public authority specified in that Schedule.
- (6) Without prejudice to section 31, the power to make an order under this section shall be exercisable by the Secretary of State.
- (7) The Secretary of State shall not make an order under subsection (5) containing any provision for—
- (a) adding any public authority to Part [<sup>F29</sup>A1, 1 or 2] of that Schedule, or
  - (b) moving any public authority [<sup>F30</sup>from—
    - (i) Part 1 or 2 to Part A1 of that Schedule, or
    - (ii) Part 2 to Part 1 of that Schedule,]
- unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

#### Textual Amendments

- F19** Words in s. 30 heading substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(2\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F20** Words in s. 30(1) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(3\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F21** Words in s. 30(2)(a) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(4\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F22** Words in s. 30(3)(a) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(5\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F23** Words in s. 30(4)(a) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(6\)\(a\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F24** Word in s. 30(4)(a) omitted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by virtue of [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(6\)\(b\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F25** Words in s. 30(4)(b) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(6\)\(c\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F26** S. 30(4)(c) and word inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(6\)\(d\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F27** Words in s. 30(5)(a) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(7\)\(a\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F28** Word in s. 30(5)(c) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(7\)\(b\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)
- F29** Words in s. 30(7)(a) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(8\)\(a\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)

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**F30** Words in s. 30(7)(b) substituted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\), ss. 4\(8\)\(b\), 9\(2\); S.I. 2021/605, reg. 2\(a\)\(b\)\(c\)](#)

### 31 Orders under s. 30 for Northern Ireland.

- (1) Subject to subsections (2) and (3), the power to make an order under section 30 for the purposes of the grant of authorisations [<sup>F31</sup>under section 28 or 29] for conduct in Northern Ireland shall be exercisable by the Office of the First Minister and deputy First Minister in Northern Ireland (concurrently with being exercisable by the Secretary of State).
- (2) The power of the Office of the First Minister and deputy First Minister to make an order under section 30 by virtue of subsection (1) or (3) of that section shall not be exercisable in relation to any public authority other than—
  - (a) the Food Standards Agency;
  - <sup>F32</sup>(b) .....
  - (c) an authority added to Schedule 1 by an order made by that Office;
  - (d) an authority added to that Schedule by an order made by the Secretary of State which it would (apart from that order) have been within the powers of that Office to add to that Schedule for the purposes mentioned in subsection (1) of this section.
- (3) The power of the Office of the First Minister and deputy First Minister to make an order under section 30—
  - (a) shall not include power to make any provision dealing with an excepted matter;
  - (b) shall not include power, except with the consent of the Secretary of State, to make any provision dealing with a reserved matter.
- (4) The power of the Office of the First Minister and deputy First Minister to make an order under section 30 shall be exercisable by statutory rule for the purposes of the <sup>M3</sup>Statutory Rules (Northern Ireland) Order 1979.
- (5) A statutory rule containing an order under section 30 which makes provision by virtue of subsection (5) of that section for—
  - (a) adding any public authority to Part I or II of Schedule 1, or
  - (b) moving any public authority from Part II to Part I of that Schedule,shall be subject to affirmative resolution (within the meaning of section 41(4) of the <sup>M4</sup>Interpretation Act (Northern Ireland) 1954).
- (6) A statutory rule containing an order under section 30 (other than one to which subsection (5) of this section applies) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (7) An order under section 30 made by the Office of the First Minister and deputy First Minister may—
  - (a) make different provision for different cases;
  - (b) contain such incidental, supplemental, consequential and transitional provision as that Office thinks fit.
- (8) The reference in subsection (2) to an addition to Schedule 1 being within the powers of the Office of the First Minister and deputy First Minister includes a reference to its

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being within the powers exercisable by that Office with the consent for the purposes of subsection (3)(b) of the Secretary of State.

- (9) In this section “excepted matter” and “reserved matter” have the same meanings as in the <sup>M5</sup>Northern Ireland Act 1998; and, in relation to those matters, section 98(2) of that Act (meaning of “deals with”) applies for the purposes of this section as it applies for the purposes of that Act.

#### Textual Amendments

- F31** Words in s. 31(1) inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), s. 9(2), [Sch. para. 2](#); [S.I. 2021/605](#), reg. 2(a)(b)(c)
- F32** S. 31(2)(b) repealed (15.11.2001) by [S.I. 2001/3686](#), [art. 6\(17\)\(a\)](#) (with art. 8)

#### Marginal Citations

- M3** [S.I. 1979/1573 \(N.I. 12\)](#).  
**M4** [1954 c. 33 \(N.I.\)](#).  
**M5** [1998 c. 47](#).

## 32 Authorisation of intrusive surveillance.

- (1) Subject to the following provisions of this Part, the Secretary of State and each of the senior authorising officers shall have power to grant authorisations for the carrying out of intrusive surveillance.
  - (2) Neither the Secretary of State nor any senior authorising officer shall grant an authorisation for the carrying out of intrusive surveillance unless he believes—
    - (a) that the authorisation is necessary on grounds falling within subsection (3); and
    - (b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.
  - (3) Subject to the following provisions of this section, an authorisation is necessary on grounds falling within this subsection if it is necessary—
    - (a) in the interests of national security;
    - (b) for the purpose of preventing or detecting serious crime; or
    - (c) in the interests of the economic well-being of the United Kingdom.
- [<sup>F33</sup>(3A) In the case of an authorisation granted by the [<sup>F34</sup>chair of the CMA], the authorisation is necessary on grounds falling within subsection (3) only if it is necessary for the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002 (cartel offence).]
- [<sup>F35</sup>(3B) In the case of an authorisation granted by the Service Police Complaints Commissioner, the authorisation is necessary on grounds falling within subsection (3) only if it is necessary for the purpose of carrying out the functions of the Commissioner.]
- (4) The matters to be taken into account in considering whether the requirements of subsection (2) are satisfied in the case of any authorisation shall include whether the information which it is thought necessary to obtain by the authorised conduct could reasonably be obtained by other means.



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- (5) The conduct that is authorised by an authorisation for the carrying out of intrusive surveillance is any conduct that—
- (a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorisation;
  - (b) is carried out in relation to the residential premises specified or described in the authorisation or in relation to the private vehicle so specified or described; and
  - (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.
- (6) For the purposes of this section the senior authorising officers are—
- (a) the chief constable of every police force maintained under section 2 of the <sup>M6</sup>Police Act 1996 (police forces in England and Wales outside London);
  - (b) the Commissioner of Police of the Metropolis and every Assistant Commissioner of Police of the Metropolis;
  - (c) the Commissioner of Police for the City of London;
  - (d) the chief constable of [<sup>F36</sup>the Police Service of Scotland];
  - (e) the Chief Constable of the Royal Ulster Constabulary and the Deputy Chief Constable of the Royal Ulster Constabulary;
  - (f) the Chief Constable of the Ministry of Defence Police;
  - (g) the Provost Marshal of the [<sup>F37</sup>Royal Navy Police];
  - (h) the Provost Marshal of the Royal Military Police;
  - (i) the Provost Marshal of the Royal Air Force Police;
  - [<sup>F38</sup>(ia) the Provost Marshal for serious crime;]
  - [<sup>F39</sup>(ib) the Service Police Complaints Commissioner;]
  - (j) the Chief Constable of the British Transport Police;
  - [<sup>F40</sup>(k) the Director General of the National Crime Agency and any National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;]
  - [<sup>F41</sup>(m) an officer of Revenue and Customs who is a senior official and who is designated for the purposes of this paragraph by the Commissioners for Her Majesty's Revenue <sup>F42</sup>... Customs;]
  - [<sup>F43</sup>(ma) a senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purposes of this paragraph by the Secretary of State; and]
  - (n) the [<sup>F44</sup>chair of the CMA].

#### Textual Amendments

- F33** S. 32(3A) inserted (20.6.2003) by 2002 c. 40, ss. 199(2)(a), 27; S.I. 2003/1397, **art. 2(1)**, Sch.
- F34** Words in s. 32(3A) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 134** (with art. 3)
- F35** S. 32(3B) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(2)(a)**
- F36** Words in s. 32(6)(d) substituted (1.4.2013) by 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(10)**

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- F37** Words in s. 32(6)(g) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 170**; S.I. 2007/1442, **art. 2(1)**
- F38** S. 32(6)(ia) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 14**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F39** S. 32(6)(ib) inserted (19.6.2023) by The Service Police (Complaints etc.) Regulations 2023 (S.I. 2023/624), reg. 1(1), **Sch. 1 para. 10(2)(b)**
- F40** S. 32(6)(k) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 82**; S.I. 2013/1682, art. 3(v)
- F41** S. 32(6)(m) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 10**; S.I. 2008/219, **art. 2(b)**
- F42** Word in s. 32(6)(m) omitted (25.6.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 6** (with **Sch. 20 para. 29**); S.I. 2013/1042, art. 4(i)
- F43** S. 32(6)(ma) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), **ss. 55(2)**, 61(2) (with **Sch. 21 para. 40**); S.I. 2013/1042, art. 4(d)
- F44** Words in s. 32(6)(n) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 134** (with art. 3)

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**Modifications etc. (not altering text)**

- C7** S. 32 modified (S.) (14.12.2000) by S.I. 2000/3253, arts. 1(1)(2), 2, **Sch. 1 para. 4(1)** (with art. 6)
- C8** S. 32: functions transferred to the Scottish Ministers (15.12.2000) by virtue of S.I. 2000/3253 arts. 1(1)(3), 3, **Sch. 2** (with art. 6)

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**Marginal Citations**

- M6** 1996 c. 16.



**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](#)