



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

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

#### **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>F1</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>F2</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>F3</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—

*Status: Point in time view as at 31/03/2017. This version of this provision has been superseded.*

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- (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—
- (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>F4</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>F5</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>F6</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;

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- (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.
- [<sup>F7</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>F8</sup>[<sup>F9</sup>(7A) . . . . .
- <sup>F10</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>F11</sup>(10) . . . . .

**Textual Amendments**

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**

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- F5** 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)**
- F6** 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)**
- F7** 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)
- F8** 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)**
- F9** S. 29(7A)(7B) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 8(5)**, 116; S.I. 2009/3096, **art. 3(c)**
- F10** 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)**
- F11** 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(2)(c) modified (6.11.2000) by S.I. 2000/2793, **art. 4**

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