



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

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

### **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>F1</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>F2</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;

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 31 is up to date with all changes known to be in force on or before 04 January 2024. 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)*

- (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>M1</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>M2</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 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>M3</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

- F1** 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)
- F2** S. 31(2)(b) repealed (15.11.2001) by S.I. 2001/3686, [art. 6\(17\)\(a\)](#) (with [art. 8](#))

#### Marginal Citations

- M1** S.I. 1979/1573 (N.I. 12).
- M2** 1954 c. 33 (N.I.).
- M3** 1998 c. 47.

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