



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Other authorisations

42 Intelligence services authorisations.

- (1) The grant by the Secretary of State [^{F1}or, the Scottish Ministers (by virtue of provision under section 63 of the Scotland Act 1998)] on the application of a member of one of the intelligence services of any authorisation under this Part must be made by the issue of a warrant.
- (2) A single warrant issued by the Secretary of State [^{F1}or, the Scottish Ministers (by virtue of provision under s. 63 of the Scotland Act 1998)] may combine both—
 - (a) an authorisation under this Part; and
 - (b) an intelligence services warrant;but the provisions of this Act or the ^{M1}Intelligence Services Act 1994 that are applicable in the case of the authorisation under this Part or the intelligence services warrant shall apply separately in relation to the part of the combined warrant to which they are applicable.
- (3) Intrusive surveillance in relation to any premises or vehicle in the British Islands shall be capable of being authorised by a warrant issued under this Part on the application of a member of the Secret Intelligence Service or GCHQ only if the authorisation contained in the warrant is one satisfying the requirements of section 32(2)(a) otherwise than in connection with any functions of that intelligence service in support of the prevention or detection of serious crime.

Changes to legislation: *Regulation of Investigatory Powers Act 2000, Section 42 is up to date with all changes known to be in force on or before 18 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*

- (4) Subject to subsection (5), the functions of the Security Service shall include acting on behalf of the Secret Intelligence Service or GCHQ in relation to—
- (a) the application for and grant of any authorisation under this Part in connection with any matter within the functions of the Secret Intelligence Service or GCHQ; and
 - (b) the carrying out, in connection with any such matter, of any conduct authorised by such an authorisation.
- (5) Nothing in subsection (4) shall authorise the doing of anything by one intelligence service on behalf of another unless—
- (a) it is something which either the other service or a member of the other service has power to do; and
 - (b) it is done otherwise than in connection with functions of the other service in support of the prevention or detection of serious crime.
- (6) In this section “intelligence services warrant” means a warrant under section 5 of the ^{M2}Intelligence Services Act 1994.

Textual Amendments

- F1** Words in s 42(1)(2) inserted (S.) (15.12.2000) by [S.I. 2000/3253](#), arts. 1(1), 4(1), [Sch. 3 Pt. II para. 7\(a\)\(b\)](#) (with [art. 6](#))

Modifications etc. (not altering text)

- C1** S. 42 modified (S.) (14.12.2000) by [S.I. 2000/3253](#), arts. 1(1)(2), 2, [Sch. 1 para. 4\(1\)](#) (with [art. 6](#))
- C2** S. 42: functions transferred to the Scottish Ministers (S.) (15.12.2000) by virtue of [S.I. 2000/3253](#), arts. 1(1)(3), 3, [Sch. 2](#) (with [art. 6](#))

Marginal Citations

- M1** 1994 c. 13.
- M2** 1994 c. 13.

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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](#)