



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Scotland*

#### **46 Restrictions on authorisations extending to Scotland.**

- (1) No person shall grant or renew an authorisation under this Part for the carrying out of any conduct if it appears to him—
  - (a) that the authorisation is not one for which this Part is the relevant statutory provision for all parts of the United Kingdom; and
  - (b) that all the conduct authorised by the grant or, as the case may be, renewal of the authorisation is likely to take place in Scotland.
- (2) In relation to any authorisation, this Part is the relevant statutory provision for all parts of the United Kingdom in so far as it—
  - (a) is granted or renewed on the grounds that it is necessary in the interests of national security or in the interests of the economic well-being of the United Kingdom;
  - (b) is granted or renewed by or on the application of a person holding any office, rank or position with any of the public authorities specified in subsection (3);
  - (c) authorises conduct of a person holding an office, rank or position with any of the public authorities so specified;
  - (d) authorises conduct of an individual acting as a covert human intelligence source for the benefit of any of the public authorities so specified; or
  - (e) authorises conduct that is surveillance by virtue of section 48(4).
- (3) The public authorities mentioned in subsection (2) are—

*Status: Point in time view as at 25/06/2013. This version of this provision has been superseded.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 46 is up to date with all changes known to be in force on or before 19 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)*

- (a) each of the intelligence services;
  - (b) Her Majesty's forces;
  - (c) the Ministry of Defence;
  - (d) the Ministry of Defence Police;
  - [<sup>F1</sup>(dza) the Civil Nuclear Constabulary;]
  - [<sup>F2</sup>(da) the OFT;]
  - [<sup>F3</sup>(db) the Serious Organised Crime Agency;]
  - [<sup>F4</sup>(e) the Commissioners for Her Majesty's Revenue and Customs; <sup>F5</sup>...]
  - [<sup>F6</sup>(ea) the department of the Secretary of State by whom functions relating to immigration are exercisable; and]
  - (f) the British Transport Police.
- (4) For the purposes of so much of this Part as has effect in relation to any other public authority by virtue of—
- (a) the fact that it is a public authority for the time being specified in Schedule 1, or
  - (b) an order under subsection (1)(d) of section 41 designating that authority for the purposes of that section,
- the authorities specified in subsection (3) of this section shall be treated as including that authority to the extent that the Secretary of State by order directs that the authority is a relevant public authority or, as the case may be, is a designated authority for all parts of the United Kingdom.

#### Textual Amendments

- F1** S. 46(3)(dza) inserted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), ss. 69, 198(2), [Sch. 14 para. 8\(1\)](#); S.I. 2005/877, [art. 2\(1\)](#), [Sch. 1](#)
- F2** S. 46(3)(da) inserted (20.6.2003) by [2002 c. 40](#), ss. 199(10), 279; S.I. 2003/1397, [art. 2\(1\)](#), [Sch.](#)
- F3** S. 46(3)(db) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 144](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. para. 10](#) (subject to [art. 4\(2\)-\(7\)](#))
- F4** S. 46(3)(e) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 17](#); S.I. 2008/219, [art. 2\(b\)](#)
- F5** Word in s. 46(3)(e) omitted (25.6.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 13\(a\)](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, [art. 4\(i\)](#)
- F6** S. 46(3)(ea) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 13\(b\)](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, [art. 4\(i\)](#)

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