



Policing and Crime Act 2009

2009 CHAPTER 26

PART 1

POLICE REFORM

Police co-operation

8 Authorisations of covert human intelligence sources: conditions

(1) Section 29 of the Regulation of Investigatory Powers Act 2000 (c. 23) (authorisation of covert human intelligence sources) is amended as follows.

(2) In subsection (2) for paragraph (c) substitute—

- “(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;
 - (ii) the requirements of subsection (4B), in the case of a source of a relevant Scottish collaborative unit;
 - (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.”

(3) After subsection (2) insert—

“(2A) For the purposes of subsection (2)—

- (a) a relevant collaborative unit is a unit consisting of two or more police forces whose chief officers of police have made an agreement under section 23(1) of the Police Act 1996 which 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 source; and
- (b) a relevant Scottish collaborative unit is a unit consisting of two or more Scottish police forces whose chief constables have made an

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agreement under section 12(1) of the Police (Scotland) Act 1967 which 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 source.”

(4) After subsection (4) insert—

“(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;
- (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.

(4B) 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 Scottish qualifying person who will have day-to-day responsibility for dealing with the source, and for the source's security and welfare;
- (b) that there will at all times be another Scottish qualifying person who will have general oversight of the use made of the source;
- (c) that there will at all times be a Scottish 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.”

(5) After subsection (7) insert—

“(7A) For the purposes of subsection (4A) a person is a qualifying person 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 (2A)(a); and

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- (b) persons holding offices, ranks or positions with that force are permitted by the terms of the agreement to have the responsibility mentioned in paragraph (a) or (c) of subsection (4A) or the general oversight mentioned in paragraph (b) of that subsection (as the case may require).
- (7B) For the purposes of subsection (4B), a person is a Scottish qualifying person if—
- (a) the person holds an office, rank or position with a Scottish police force whose chief constable is a party to the agreement mentioned in subsection (2A)(b); and
 - (b) persons holding offices, ranks or positions with that force are permitted by the terms of the agreement to have the responsibility mentioned in paragraph (a) or (c) of subsection (4B) or the general oversight mentioned in paragraph (b) of that subsection (as the case may require).”
- (6) After subsection (9) insert—
- “(10) For the purposes of this section—
- (a) references to a police force are to the following—
 - (i) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
 - (ii) the metropolitan police force; and
 - (iii) the City of London police force; and
 - (b) references to a Scottish police force are to a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.”

Commencement Information

II S. 8 in force at 25.1.2010 by S.I. 2009/3096, art. 3(c)

Changes to legislation:

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