



Policing and Crime Act 2009

2009 CHAPTER 26

PART 1

POLICE REFORM

Police co-operation

9 Authorisations for surveillance etc

- (1) Section 33 of the Regulation of Investigatory Powers Act 2000 (c. 23) (rules for grant of authorisations) is amended as follows.
- (2) In subsection (1), at the end insert “ (subject to subsections (1ZB) and (1ZE)) ”.
- (3) After subsection (1), insert—
 - “(1ZA) Subsection (1ZB) applies if the chief officer of police of a police force (“the authorising force”) has made an agreement under section 23(1) of the Police Act 1996 with the chief office of police of one or more other police forces.
 - (1ZB) A person who is a designated person for the purposes of section 28 or 29 by reference to an office, rank or position with the authorising force may grant an authorisation under that section on an application made by a member of a collaborative force.
 - (1ZC) For the purposes of subsection (1ZB) a police force is a collaborative force if—
 - (a) its chief officer of police is a party to the agreement mentioned in subsection (1ZA); and
 - (b) its members are permitted by the terms of the agreement to make applications for authorisations under section 28 or 29 to a person who is a designated person for the purposes of that section by reference to an office, rank or position with the authorising force.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 9. (See end of Document for details)

(1ZD) Subsection (1ZE) applies if the chief constable of a Scottish police force (“the Scottish authorising force”) has made an agreement under section 12(1) of the Police (Scotland) Act 1967 with the chief constable of one or more other Scottish police forces.

(1ZE) A person who is a designated person for the purposes of section 28 or 29 by reference to an office, rank or position with the Scottish authorising force may grant an authorisation under that section on an application made by a member of a collaborative force.

(1ZF) For the purposes of subsection (1ZE) a Scottish police force is a collaborative force if—

- (a) its chief constable is a party to the agreement mentioned in subsection (1ZD); and
- (b) its members are permitted by the terms of the agreement to make applications for authorisations under section 28 or 29 to a person who is a designated person for the purposes of that section by reference to an office, rank or position with the Scottish authorising force.”

(4) In subsection (3), at the beginning insert ““Subject to subsections (3ZB) and (3ZE),””.

(5) After subsection (3) insert—

“(3ZA) Subsection (3ZB) applies if—

- (a) the chief officer of police of a police force (“the surveillance authorising force”) has made an agreement under section 23(1) of the Police Act 1996 with the chief officer of police of one or more other police forces; and
- (b) an application for an authorisation for the carrying out of intrusive surveillance is made by a member of a collaborative force.

(3ZB) A person who is a senior authorising officer by reference to the surveillance authorising force may—

- (a) grant the authorisation;
- (b) in a case where the authorisation is for the carrying out of intrusive surveillance in relation to any residential premises, grant the authorisation only in relation to premises in the area which is—
 - (i) the area of operation of a collaborative force; and
 - (ii) specified in relation to members of that force in the agreement mentioned in subsection (3ZA).

(3ZC) For the purposes of subsections (3ZA) and (3ZB) a police force is a collaborative force if—

- (a) its chief officer of police is a party to the agreement mentioned in subsection (3ZA); and
- (b) its members are permitted by the terms of the agreement to make applications for authorisations for the carrying out of intrusive surveillance to a person who is a senior authorising officer by reference to the surveillance authorising force.

(3ZD) Subsection (3ZE) applies if—

- (a) the chief constable of a Scottish police force (“the Scottish surveillance authorising force”) has made an agreement under

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section 12(1) of the Police (Scotland) Act 1967 with the chief constable of one or more other Scottish police forces; and

- (b) an application for an authorisation for the carrying out of intrusive surveillance is made by a member of a collaborative force.

(3ZE) A person who is a senior authorising officer by reference to the Scottish surveillance authorising force may—

- (a) grant the authorisation;
- (b) in a case where the authorisation is for the carrying out of intrusive surveillance in relation to any residential premises, grant the authorisation only in relation to premises in the area which is—
 - (i) the area of operation of a collaborative force; and
 - (ii) specified in relation to members of that force in the agreement mentioned in subsection (3ZD).

(3ZF) For the purposes of subsections (3ZD) and (3ZE) a Scottish police force is a collaborative force if—

- (a) its chief constable is a party to the agreement mentioned in subsection (3ZD); and
- (b) its members are permitted by the terms of the agreement to make applications for authorisations for the carrying out of intrusive surveillance to a person who is a senior authorising officer by reference to the Scottish surveillance authorising force.”

(6) After subsection (5) insert—

“(5A) In subsections (1ZA) to (1ZC) and (3ZA) to (3ZC) a reference to a police force is to the following—

- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force; and
- (c) the City of London police force.

(5B) In subsections (1ZD) to (1ZF) and (3ZD) to (3ZF) a reference to a Scottish police force is to a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.”

Commencement Information

II S. 9 in force at 25.1.2010 by S.I. 2009/3096, art. 3(d)

Changes to legislation:

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