
STATUTORY INSTRUMENTS

2004 No. 815

**The Independent Police Complaints
Commission (Investigatory Powers) Order 2004**

Modifications to the 2000 Act

3.—(1) For the purposes of the carrying out of the functions of the Independent Police Complaints Commission, Parts 2 and 4 of the 2000 Act shall have effect with the following modifications.

(2) After section 32(6)(j) (authorisation of intrusive surveillance) insert the following paragraph—

“(ja) the Chairman of the Independent Police Complaints Commission;”.

(3) In section 33 (rules for grant of authorisations)—

(a) after subsection (1) insert the following subsection—

“(1A) A person who is a designated person for the purposes of section 28 or 29 by reference to his office or position with the Independent Police Complaints Commission shall not grant an authorisation under that section except on an application made by a member of staff of the Commission who has been designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002.”;

(b) after subsection (3) insert the following subsection—

“(3A) A person who is a senior authorising officer by reference to the Independent Police Complaints Commission shall not grant an authorisation for the carrying out of intrusive surveillance except—

(a) on an application made by a member of staff of the Commission who has been designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002; and

(b) in the case of an authorisation for the carrying out of intrusive surveillance in relation to any residential premises, where those premises are in England and Wales.”;

(c) in subsection (5)(a) after the words “National Crime Squad,” insert “or who is a member of staff of the Independent Police Complaints Commission,”.

(4) In section 34 (grant of authorisations in the senior officer’s absence)—

(a) in subsection (1)(a) after the words “National Crime Squad,” insert “or by a member of staff of the Independent Police Complaints Commission who has been designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002”;

(b) in subsection (2)(a) after the words “Squad in question” insert “or the Independent Police Complaints Commission”;

(c) after subsection (4)(m)(1) insert the following paragraph—

- “(n) person is entitled to act for the Chairman of the Independent Police Complaints Commission if he is any other member of the Independent Police Complaints Commission.”;
- (d) after subsection (6)(c) insert the following paragraph—
- “(d) in relation to the Chairman of the Independent Police Complaints Commission, means a person appointed as deputy chairman of the Independent Police Complaints Commission under paragraph 3(1) of Schedule 2 to the Police Reform Act 2002.”.
- (5) In section 35(10)(a) (notification of authorisations for intrusive surveillance) after “a police force,” insert “the Independent Police Complaints Commission,”.
- (6) In section 36 (approval required for authorisations to take effect)—
- (a) after subsection (1)(a) insert the following paragraph—
- “(aa) a member of staff of the Independent Police Complaints Commission who has been designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002;”;
- (b) after subsection (6)(b) insert the following paragraph—
- “(ba) where the authorisation was granted by the Chairman of the Independent Police Complaints Commission, by the designated deputy of the Chairman of the Independent Police Complaints Commission or by another member of that Commission entitled to act for that Chairman by virtue of section 34(4)(m), that Chairman;”.
- (7) After section 37(1)(a) (quashing of police and customs authorisations etc.) insert the following paragraph—
- “(aa) a member of staff of the Independent Police Complaints Commission who has been designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002;”.
- (8) After section 40(a) (information to be provided to Surveillance Commissioners) insert the following paragraph—
- “(aa) every member and every employee of the Independent Police Complaints Commission;”.
- (9) After section 45(6)(c) (cancellation of authorisation) insert the following paragraph—
- “(ca) in relation to the Chairman of the Independent Police Complaints Commission, to his designated deputy;”.
- (10) After section 65(6)(c) (the Tribunal) insert the following paragraph—
- “(ca) the Independent Police Complaints Commission;”.
- (11) After section 68(7)(d) (Tribunal procedure) insert the following paragraph—
- “(da) every member and every employee of the Independent Police Complaints Commission;”.
- (12) After paragraph 4 of Schedule 1 (authorisation of surveillance and covert human intelligence sources: relevant public authorities for the purposes of sections 28 and 29) insert the following paragraph—
- “**4A.** The Independent Police Complaints Commission.”.