

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

OTHER AUTHORISATIONS

Grant, renewal and duration of authorisations

Section 43: General rules about grant, renewal and duration

236. This section sets out the general rules for authorisations, including their granting, renewal, and duration.
237. *Subsection (1)* provides that, in urgent cases, an authorising officer may give an oral authorisation. All other authorisations must be in writing.
238. A single authorisation may be given, combining two or more authorisations under this part. When this occurs, the provisions of this Part which relate to one type of activity only shall apply to those parts of the authorisation which authorises that type of activity. Further provisions for combined authorisations are in section 33(5), 42(2) and 44(7).
239. Oral authorisations and those granted by officers entitled to act in urgent cases in the absence of the authorising officer or his designated deputy will expire after 72 hours, beginning with the time when the grant or renewal of an authorisation takes effect.
240. Except where granted or renewed orally or by an officer entitled to act in urgent cases, authorisations for the conduct or the use of covert human intelligence sources will last for 12 months, beginning with the day on which the grant or renewal takes effect.
241. In all other cases (except those made under the special provisions for the intelligence services contained in section 44), the authorisation will last for 3 months, beginning with the day on which the grant or renewal takes effect.
242. *Subsection (4)* provides that an authorisation may be renewed at any time before it ceases to have effect by any person entitled to grant a new authorisation of the same type. The same conditions attach to a renewal of surveillance as to the original authorisation. However, before renewal of an authorisation for the use or conduct of a covert human intelligence source, *subsection (6)* requires there to be a review of the use made of that source, the tasks given to that source and the information so obtained.
243. *Subsection (8)* enables the Secretary of State, by order, to provide that certain authorisations will cease to have effect after a shorter period of time than is otherwise provided for.
244. *Subsection (9)* clarifies the time from which a grant or renewal of an authorisation takes effect. It synchronises the duration of authorisations with those given for interference with property.