

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

OTHER AUTHORISATIONS

Part V: Miscellaneous and Supplemental

Section 75: Authorisations under Part III of the Police Act 1997

346. This Section makes amendments to Part III of the Police Act 1997.
347. *Subsections (2) and (3)* amend section 93 of the Police Act to allow a police authorising officer to authorise interference with property outside his force area solely for the purpose of maintenance or retrieval of equipment. This will allow a chief constable to authorise action to maintain or retrieve a tracking device from a vehicle that has travelled outside the force area, without having to seek authorisation from the chief constable into whose area the vehicle has travelled. In addition it removes the restriction on where a customs officer may act.
348. In the same way that Section 74 amends the Intelligence Services Act 1994, *subsections (4) and (5)* introduce the new tests in the Part III authorisation process. These again require that the action authorised must be necessary and proportionate to what it seeks to achieve and that the action could not reasonably be achieved by other means.
349. *Subsection (5)* provides for an authorising officer of the Royal Ulster Constabulary to authorise interference with property or wireless telegraphy where it is necessary in the interests of national security as well as for the prevention or detection of serious crime. This is required because of the particular responsibilities of the Chief Constable of the RUC in relation to counter-terrorism.
350. *Subsections (6), (7) and (8)* extend the provisions of Part III to allow the chief constables of the British Transport Police and the Ministry of Defence Police and the Provost Marshals of the three service police forces to be authorising officers and to authorise interference with property or wireless telegraphy within their own jurisdictions. It also allows the Deputy Director General of the National Crime Squad to be an authorising officer in his own right and for the Commissioners of Customs & Excise to designate more than one customs officer to act as an authorising officer.
351. *Subsection (7)* makes an amendment to section 93(6) to provide that "relevant area" for the MOD police means the places described in section 2 of the Ministry of Defence Police Act 1987.
352. *Subsection (8)* makes provision about where the Service Police forces may exercise powers under the 1997 Act.