



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Authorisation of surveillance and human intelligence sources

32 Authorisation of intrusive surveillance.

- (1) Subject to the following provisions of this Part, the Secretary of State and each of the senior authorising officers shall have power to grant authorisations for the carrying out of intrusive surveillance.
- (2) Neither the Secretary of State nor any senior authorising officer shall grant an authorisation for the carrying out of intrusive surveillance unless he believes—
 - (a) that the authorisation is necessary on grounds falling within subsection (3); and
 - (b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.
- (3) Subject to the following provisions of this section, an authorisation is necessary on grounds falling within this subsection if it is necessary—
 - (a) in the interests of national security;
 - (b) for the purpose of preventing or detecting serious crime; or
 - (c) in the interests of the economic well-being of the United Kingdom.

[^{F1}(3A) In the case of an authorisation granted by the chairman of the OFT, the authorisation is necessary on grounds falling within subsection (3) only if it is necessary for the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002 (cartel offence).]

Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 32 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The matters to be taken into account in considering whether the requirements of subsection (2) are satisfied in the case of any authorisation shall include whether the information which it is thought necessary to obtain by the authorised conduct could reasonably be obtained by other means.
- (5) The conduct that is authorised by an authorisation for the carrying out of intrusive surveillance is any conduct that—
- (a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorisation;
 - (b) is carried out in relation to the residential premises specified or described in the authorisation or in relation to the private vehicle so specified or described; and
 - (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.
- (6) For the purposes of this section the senior authorising officers are—
- (a) the chief constable of every police force maintained under section 2 of the ^{M1}Police Act 1996 (police forces in England and Wales outside London);
 - (b) the Commissioner of Police of the Metropolis and every Assistant Commissioner of Police of the Metropolis;
 - (c) the Commissioner of Police for the City of London;
 - (d) the chief constable of every police force maintained under or by virtue of section 1 of the ^{M2}Police (Scotland) Act 1967 (police forces for areas in Scotland);
 - (e) the Chief Constable of the Royal Ulster Constabulary and the Deputy Chief Constable of the Royal Ulster Constabulary;
 - (f) the Chief Constable of the Ministry of Defence Police;
 - (g) the Provost Marshal of the Royal Navy Regulating Branch;
 - (h) the Provost Marshal of the Royal Military Police;
 - (i) the Provost Marshal of the Royal Air Force Police;
 - (j) the Chief Constable of the British Transport Police;
 - [^{F2}(k) the Director General of the Serious Organised Crime Agency and any member of the staff of that Agency who is designated for the purposes of this paragraph by that Director General;]
 - (m) any customs officer designated for the purposes of this paragraph by the Commissioners of Customs and Excise [^{F3}; and
 - (n) the chairman of the OFT.]

Textual Amendments

- F1** S. 32(3A) inserted (20.6.2003) by 2002 c. 40, ss. 199(2)(a), 27; S.I. 2003/1397, art. 2(1), Sch.
- F2** S. 32(6)(k) substituted for s. 32(6)(k)(l) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, Sch. 4 para. 136; S.I. 2006/378, art. 4(1), Sch. para. 10 (subject to art. 4(2)-(7))
- F3** S. 32(6)(n) and word preceding it inserted (20.6.2003) by 2002 c. 40, ss. 199(2)(b), 279; S.I. 2003/1397, art. 2(1), Sch.

Modifications etc. (not altering text)

- C1** S. 32 modified (S.) (14.12.2000) by S.I. 2000/3253, arts. 1(1)(2), 2, Sch. 1 para. 4(1) (with art. 6)
- C2** S. 32: functions transferred to the Scottish Ministers (15.12.2000) by virtue of S.I. 2000/3253 arts. 1(1)(3), 3, Sch. 2 (with art. 6)

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C3 S. 32(6)(m) restricted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 16, 17, 53(1), **Sch. 2 Pt. 1 para. 11(2)(b)**; S.I. 2005/1126, **art. 2(2)(d)**

Marginal Citations

M1 1996 c. 16.

M2 1967 c. 77.

Status:

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