



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Police and [^{F1}Revenue and Customs] authorisations

33 Rules for grant of authorisations.

- (1) A person who is a designated person for the purposes of section 28 or 29 by reference to his office, rank or position with a police force^{F1} . . . shall not grant an authorisation under that section except on an application made by a member of the same force^{F2}
- [^{F3}(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 Serious Organised Crime Agency shall not grant an authorisation under that section except on an application made by a member of the staff of the Agency.]
- [^{F4}(1B) A person who is a designated person for the purposes of section 28 or 29 by reference to his office, rank or position with the Scottish Crime and Drug Enforcement Agency shall not grant an authorisation under that section except on an application made by a police member of the Agency.]
- [^{F5}(2) A person who is a designated person for the purposes of section 28 or 29 by reference to office, rank or position in Her Majesty's Revenue and Customs shall not grant an authorisation under that section except on an application made by an officer of Revenue and Customs.]
- (3) A person who is a senior authorising officer by reference to a police force^{F6} . . . shall not grant an authorisation for the carrying out of intrusive surveillance except—
 - (a) on an application made by a member of the same force^{F7} . . . ; and

Status: Point in time view as at 15/02/2008. This version of this provision has been superseded.
Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 33 is up to date with all changes known to be in force on or before 14 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)

- (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 the area of operation of that force ^{F7}

[^{F8}(3A) The Director General of the Serious Organised Crime Agency or a person designated for the purposes of section 32(6)(k) by that Director General shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by a member of the staff of the Agency.]

[^{F9}(4) A person who is a senior authorising officer by virtue of a designation by the Commissioners for Her Majesty's Revenue and Customs shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an officer of Revenue and Customs.]

[^{F10}(4A) The chairman of the OFT shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an officer of the OFT.]

- (5) A single authorisation may combine both—
 - (a) an authorisation granted under this Part by, or on the application of, an individual who is a member of a police force, [^{F11}a member of the staff of the Serious Organised Crime Agency [^{F12}or a member of the Scottish Crime and Drug Enforcement Agency] ,] or who is [^{F13}an officer of Revenue and Customs][^{F14}or the chairman or an officer of the OFT]; and
 - (b) an authorisation given by, or on the application of, that individual under Part III of the ^{M1}Police Act 1997;

but the provisions of this Act or that Act that are applicable in the case of each of the authorisations shall apply separately in relation to the part of the combined authorisation to which they are applicable.

- (6) For the purposes of this section—
 - (a) the area of operation of a police force maintained under section 2 of the ^{M2}Police Act 1996, of the metropolitan police force, of the City of London police force or of a police force maintained under or by virtue of section 1 of the ^{M3}Police (Scotland) Act 1967 is the area for which that force is maintained;
 - (b) the area of operation of the Royal Ulster Constabulary is Northern Ireland;
 - (c) residential premises are in the area of operation of the Ministry of Defence Police if they are premises where the members of that police force, under section 2 of the ^{M4}Ministry of Defence Police Act 1987, have the powers and privileges of a constable;
 - (d) residential premises are in the area of operation of the [^{F15}Royal Navy Police] the Royal Military Police or the Royal Air Force Police if they are premises owned or occupied by, or used for residential purposes by, a person subject to service discipline ;
 - (e) the area of operation of the British Transport Police ^{F16} . . . is the United Kingdom;
 - (f) ^{F17}

and references in this section to the United Kingdom or to any part or area of the United Kingdom include any adjacent waters within the seaward limits of the territorial waters of the United Kingdom.

- (7) For the purposes of this section a person is subject to service discipline—

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- (a) in relation to the Royal Navy Regulating Branch, if he is subject to the^{M5}Naval Discipline Act 1957 or is a civilian to whom Parts I and II of that Act for the time being apply by virtue of section 118 of that Act ;
- (b) in relation to the Royal Military Police, if he is subject to military law or is a civilian to whom Part II of the^{M6}Army Act 1955 for the time being applies by virtue of section 209 of that Act; and
- (c) in relation to the Royal Air Force Police, if he is subject to air-force law or is a civilian to whom Part II of the^{M7}Air Force Act 1955 for the time being applies by virtue of section 209 of that Act.

Textual Amendments

- F1** Words in s. 33(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(2)(a), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F2** Words in s. 33(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(2)(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F3** S. 33(1A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 137(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F4** S. 33(1B) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(6)(a)**
- F5** S. 33(2) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 11(a)**; S.I. 2008/219, **art. 2(b)**
- F6** Words in s. 33(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(4)(a), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F7** Words in s. 33(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(4)(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F8** S. 33(3A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 137(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F9** S. 33(4) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 11(b)**; S.I. 2008/219, **art. 2(b)**
- F10** S. 33(4A) inserted (20.6.2003) by 2002 c. 40, ss. 199(3), 279; S.I. 2003/1397, **art. 2(1)**, Sch.
- F11** Words in s. 33(5)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 137(6)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F12** Words in s. 33(5)(a) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), arts. 1(3), 6, **Sch. para. 4(6)(b)**
- F13** Words in s. 33(5)(a) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), ss. 88, 94, **Sch. 12 para. 11(c)**; S.I. 2008/219, **art. 2(b)**
- F14** Words in s. 33(5)(a) inserted (20.6.2003) by 2002 c. 40, ss. 199(4), 279; S.I. 2003/1397, **art. 2(1)**, Sch.
- F15** Words in s. 33(6)(d) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 171(2)(a)**; S.I. 2007/1442, **art. 2(1)**
- F16** Words in s. 33(6)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(7)(a), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F17** S. 33(6)(f) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 137(7)(b), **Sch. 17**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))

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Marginal Citations

- M1** 1997 c. 50.
- M2** 1996 c. 16.
- M3** 1967 c. 77.
- M4** 1987 c. 4.
- M5** 1957 c. 53.
- M6** 1955 c. 18.
- M7** 1955 c. 19.

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