



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Police and [F¹Revenue and Customs] authorisations

34 Grant of authorisations in the senior officer's absence.

- (1) This section applies in the case of an application for an authorisation for the carrying out of intrusive surveillance where—
- (a) the application is one made by a member of a police force, [F¹a member of the staff of the Serious Organised Crime Agency] or by [F²an officer of the OFT or][F³an officer of Revenue and Customs;] and
 - (b) the case is urgent.
- (2) If—
- (a) it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by any person who is a senior authorising officer by reference to the force [F⁴or Agency] in question or, as the case may be, [F⁵as chairman of the OFT or]by virtue of a designation by [F⁶the Commissioners for Her Majesty's Revenue and Customs,] and
 - (b) it also not reasonably practicable, having regard to the urgency of the case, for the application to be considered by a person (if there is one) who is entitled, as a designated deputy of a senior authorising officer, to exercise the functions in relation to that application of such an officer,

the application may be made to and considered by any person who is entitled under subsection (4) to act for any senior authorising officer who would have been entitled to consider the application.

Status: Point in time view as at 15/02/2008. This version of this provision has been superseded.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 34 is up to date with all changes known to be in force on or before 13 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)

(3) A person who considers an application under subsection (1) shall have the same power to grant an authorisation as the person for whom he is entitled to act.

(4) For the purposes of this section—

(a) a person is entitled to act for the chief constable of a police force maintained under section 2 of the ^{M1}Police Act 1996 if he holds the rank of assistant chief constable in that force;

(b) a person is entitled to act for the Commissioner of Police of the Metropolis, or for an Assistant Commissioner of Police of the Metropolis, if he holds the rank of commander in the metropolitan police force;

(c) a person is entitled to act for the Commissioner of Police for the City of London if he holds the rank of commander in the City of London police force;

(d) a person is entitled to act for the chief constable of a police force maintained under or by virtue of section 1 of the ^{M2}Police (Scotland) Act 1967 if he holds the rank of assistant chief constable in that force;

(e) a person is entitled to act for the Chief Constable of the Royal Ulster Constabulary, or for the Deputy Chief Constable of the Royal Ulster Constabulary, if he holds the rank of assistant chief constable in the Royal Ulster Constabulary;

(f) a person is entitled to act for the Chief Constable of the Ministry of Defence Police if he holds the rank of deputy or assistant chief constable in that force;

(g) a person is entitled to act for the Provost Marshal of the [^{F7}Royal Navy Police] if he holds the position of assistant Provost Marshal in [^{F8}that force] ;

(h) a person is entitled to act for the Provost Marshal of the Royal Military Police or the Provost Marshal of the Royal Air Force Police if he holds the position of deputy Provost Marshal in the police force in question;

(i) a person is entitled to act for the Chief Constable of the British Transport Police if he holds the rank of deputy or assistant chief constable in that force;

[^{F9}(j) a person is entitled to act for the Director General of the Serious Organised Crime Agency if he is a person designated for the purposes of this paragraph by that Director General as a person entitled so to act in an urgent case;]

(l) a person is entitled to act for a person who is a senior authorising officer by virtue of a designation by [^{F10}the Commissioners for Her Majesty's Revenue and Customs,] if he is [^{F11}a senior official] designated for the purposes of this paragraph by those Commissioners as a person entitled so to act in an urgent case.

[^{F12}(m) a person is entitled to act for the chairman of the OFT if he is an officer of the OFT designated by it for the purposes of this paragraph as a person entitled so to act in an urgent case.]

(5) ^{F13}.....

(6) In this section “designated deputy”—

[^{F14}(a) in relation to the chief constable for a police force in England and Wales, means—

(i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or

(ii) a person holding the rank of assistant chief constable who is designated to act under section 12A(2) of that Act;

(aa) in relation to the chief constable for a police force in Scotland, means—

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- (i) a person holding the rank of deputy chief constable and, where there is more than one person in the police force who holds that rank, who is designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of the Police (Scotland) Act 1967, or
- (ii) a person holding the rank of assistant chief constable who is designated to act under section 5A(2) of that Act;]
- (b) in relation to the Commissioner of Police for the City of London, means a person authorised to act under section 25 of the ^{M3}City of London Police Act 1839;
- (c) ^{F15}

Textual Amendments

- F1** Words in s. 34(1)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 138\(2\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to art. 4(2)-(7))
- F2** Words in s. 34(1)(a) inserted (20.6.2003) by [2002 c. 40](#), ss. 199(5)(a), 279; S.I. 2003/1397, [art. 2\(1\)](#), Sch.
- F3** Words in s. 34(1) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 12\(a\)](#); S.I. 2008/219, [art. 2\(b\)](#)
- F4** Words in s. 34(2)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 138\(3\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to art. 4(2)-(7))
- F5** Words in s. 34(2)(a) inserted (20.6.2003) by [2002 c. 40](#), ss. 199(5)(b), 279; S.I. 2003/1397, [art. 2\(1\)](#), Sch.
- F6** Words in s. 34(2)(a) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 12\(b\)](#); S.I. 2008/219, [art. 2\(b\)](#)
- F7** Words in s. 34(4)(g) substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 172\(a\)](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F8** Words in s. 34(4)(g) substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 172\(b\)](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F9** S. 34(4)(j) substituted (1.4.2006) for s. 34(4)(j)(k) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 138\(4\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to art. 4(2)-(7))
- F10** Words in s. 34(4)(l) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 12\(c\)\(i\)](#); S.I. 2008/219, [art. 2\(b\)](#)
- F11** Words in s. 34(4)(l) inserted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 12\(c\)\(ii\)](#); S.I. 2008/219, [art. 2\(b\)](#)
- F12** S. 34(4)(m) inserted (20.6.2003) by [2002 c. 40](#), ss. 199(5)(c), 279; S.I. 2003/1397, [art. 2\(1\)](#), Sch.
- F13** S. 34(5) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, [Sch. 4 para. 138\(5\)](#), [Sch. 17](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))
- F14** S. 34(6)(a)(aa) substituted (8.11.2006) for s. 34(6)(a) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 39](#)
- F15** S. 34(6)(c) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, [Sch. 4 para. 138\(6\)](#), [Sch. 17](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 13(hh) (subject to art. 4(2)-(7))

Marginal Citations

- M1** 1996 c. 16.
- M2** 1967 c. 77.
- M3** 1839 c. xciv.

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