



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Police and <sup>F1</sup>Revenue and Customs] authorisations*

#### **37 Quashing of police and <sup>F1</sup>Revenue and Customs] authorisations etc.**

- (1) This section applies where an authorisation for the carrying out of intrusive surveillance has been granted on the application of—
  - (a) a member of a police force;
  - <sup>F2</sup>(b) a National Crime Agency officer;]
  - <sup>F3</sup>(d) an officer of Revenue and Customs <sup>F4</sup>... ;]
  - <sup>F5</sup>(da) an immigration officer; or]
  - <sup>F6</sup>(e) an officer of the CMA.]
- (2) Where <sup>F7</sup>a Judicial Commissioner] is at any time satisfied that, at the time when the authorisation was granted or at any time when it was renewed, there were no reasonable grounds for believing that the requirements of section 32(2)(a) and (b) were satisfied, he may quash the authorisation with effect, as he thinks fit, from the time of the grant of the authorisation or from the time of any renewal of the authorisation.
- (3) If <sup>F7</sup>a Judicial Commissioner] is satisfied at any time while the authorisation is in force that there are no longer any reasonable grounds for believing that the requirements of section 32(2)(a) and (b) are satisfied in relation to the authorisation, he may cancel the authorisation with effect from such time as appears to him to be the time from which those requirements ceased to be so satisfied.
- (4) Where, in the case of any authorisation of which notice has been given in accordance with section 35(3)(b), <sup>F7</sup>a Judicial Commissioner] is at any time satisfied that, at the

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time of the grant or renewal of the authorisation to which that notice related, there were no reasonable grounds for believing that the case was one of urgency, he may quash the authorisation with effect, as he thinks fit, from the time of the grant of the authorisation or from the time of any renewal of the authorisation

- (5) Subject to subsection (7), where [<sup>F7</sup>a Judicial Commissioner] quashes an authorisation under this section, he may order the destruction of any records relating wholly or partly to information obtained by the authorised conduct after the time from which his decision takes effect.
- (6) Subject to subsection (7), where—
- (a) an authorisation has ceased to have effect (otherwise than by virtue of subsection (2) or (4)), and
  - (b) [<sup>F7</sup>a Judicial Commissioner] is satisfied that there was a time while the authorisation was in force when there were no reasonable grounds for believing that the requirements of section 32(2)(a) and (b) continued to be satisfied in relation to the authorisation,
- he may order the destruction of any records relating, wholly or partly, to information obtained at such a time by the authorised conduct.
- (7) No order shall be made under this section for the destruction of any records required for pending criminal or civil proceedings.
- (8) Where [<sup>F8</sup>a Judicial Commissioner] exercises a power conferred by this section, he shall, as soon as reasonably practicable, make a report of his exercise of that power, and of his reasons for doing so—
- (a) to the most senior relevant person (within the meaning of section 36); and
  - (b) to the [<sup>F9</sup>Investigatory Powers Commissioner (if he is not that Commissioner)]
- (9) Where an order for the destruction of records is made under this section, the order shall not become operative until such time (if any) as—
- (a) [<sup>F10</sup>any period] for appealing against the decision to make the order has expired; and
  - (b) any appeal brought within that period has been dismissed by the [<sup>F11</sup>Investigatory Powers Commissioner] .
- (10) No notice shall be required to be given under section 35(1) in the case of a cancellation under subsection (3) of this section.

#### Textual Amendments

- F1** Words in s. 37 heading substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 15](#); S.I. 2008/219, [art. 2\(b\)](#)
- F2** S. 37(1)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 87](#); S.I. 2013/1682, [art. 3\(v\)](#)
- F3** S. 37(1)(d) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 94, [Sch. 12 para. 15](#); S.I. 2008/219, [art. 2\(b\)](#)
- F4** Word in s. 37(1)(d) omitted (25.6.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 11\(a\)](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, [art. 4\(i\)](#)
- F5** S. 37(1)(da) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 11\(b\)](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, [art. 4\(i\)](#)

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- F6** S. 37(1)(e) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 139** (with art. 3)
- F7** Words in s. 37(2)-(6) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 233(3)(a), 272(1)** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(e)
- F8** Words in s. 37(8) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 233(3)(a), 272(1)** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(e)
- F9** Words in s. 37(8)(b) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 233(3)(d), 272(1)** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(e)
- F10** Words in s. 37(9)(a) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 76** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(j)
- F11** Words in s. 37(9)(b) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 233(3)(b), 272(1)** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(e)

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