



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART II

#### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

##### *Grant, renewal and duration of authorisations*

#### **44 Special rules for intelligence services authorisations.**

(1) Subject to subsection (2), a warrant containing an authorisation for the carrying out of intrusive surveillance—

- (a) shall not be issued on the application of a member of any of the intelligence services, and
- (b) if so issued shall not be renewed,

except under the hand of the Secretary of State [<sup>F1</sup>or, in the case of a warrant issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive.]

(2) In an urgent case in which—

- (a) an application for a warrant containing an authorisation for the carrying out of intrusive surveillance has been made by a member of any of the intelligence services, and
- (b) the Secretary of State has himself [<sup>F2</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) have themselves] expressly authorised the issue of the warrant in that case,

the warrant may be issued (but not renewed) under the hand of a senior official [<sup>F3</sup>or as the case may be, a member of the staff of the Scottish Administration who is a member of the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand a warrant may be issued in such a case (in this section referred to as “a designated official”)]

*Status: Point in time view as at 05/12/2022.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 44 is up to date with all changes known to be in force on or before 17 June 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) Subject to subsection (6), a warrant containing an authorisation for the carrying out of intrusive surveillance which—
- (a) was issued, on the application of a member of any of the intelligence services, under the hand of a senior official [<sup>F4</sup>or, as the case may be, a designated official] and
  - (b) has not been renewed under the hand of the Secretary of State [<sup>F5</sup>or, in the case of a warrant issued by the Scottish Ministers (by virtue of provision made under section 3 of the Scotland Act 1998), a member of the Scottish Executive],
- shall cease to have effect at the end of the second working day following the day of the issue of the warrant, instead of at the time provided for by section 43(3).
- (4) Subject to subsections (3) and (6), where any warrant for the carrying out of intrusive surveillance which is issued or was last renewed on the application of a member of any of the intelligence services, the warrant (unless renewed or, as the case may be, renewed again) shall cease to have effect at the following time, instead of at the time provided for by section 43(3), namely—
- (a) in the case of a warrant that has not been renewed, at the end of the period of six months beginning with the day on which it was issued; and
  - (b) in any other case, at the end of the period of six months beginning with the day on which it would have ceased to have effect if not renewed again.
- (5) Subject to subsection (6), where—
- (a) an authorisation for the carrying out of directed surveillance is granted by a member of any of the intelligence services, and
  - (b) the authorisation is renewed by an instrument endorsed under the hand of the person renewing the authorisation with a statement that the renewal is believed to be necessary on grounds falling within section 32(3)(a) or (c),
- the authorisation (unless renewed again) shall cease to have effect at the end of the period of six months beginning with the day on which it would have ceased to have effect but for the renewal, instead of at the time provided for by section 43(3).
- (6) The Secretary of State may by order provide in relation to authorisations of such descriptions as may be specified in the order that subsection (3), (4) or (5) is to have effect as if the period at the end of which an authorisation of a description so specified is to cease to have effect were such period shorter than that provided for by that subsection as may be fixed by or determined in accordance with that order.
- (7) Notwithstanding anything in section 43(2), in a case in which there is a combined warrant containing both—
- (a) an authorisation for the carrying out of intrusive surveillance, and
  - (b) an authorisation for the carrying out of directed surveillance,
- the reference in subsection (4) of this section to a warrant for the carrying out of intrusive surveillance is a reference to the warrant so far as it confers both authorisations.

#### Textual Amendments

**F1** Words in s. 44(1) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), Sch. 3 Pt. II para. 8(a) (with art. 6)

*Status: Point in time view as at 05/12/2022.*

**Changes to legislation:** Regulation of Investigatory Powers Act 2000, Section 44 is up to date with all changes known to be in force on or before 17 June 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)

- F2** Words in s. 44(2) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 8(b)(i)** (with art. 6)
- F3** Words inserted at the end of s. 44(2) (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 8(b)(ii)** (with art. 6)
- F4** Words in s. 44(3)(a) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 8(c)(i)** (with art. 6)
- F5** Words in s. 44(3)(b) inserted (S.) (15.12.2000) by S.I. 2000/3253, arts. 1(1), 4(1), **Sch. 3 Pt. II para. 8(c)(ii)** (with art. 6)

**Modifications etc. (not altering text)**

- C1** S. 44 excluded by 2016 c. 25, Sch. 8 para. 27(4) (as inserted (26.7.2018) by The Investigatory Powers (Codes of Practice and Miscellaneous Amendments) Order 2018 (S.I. 2018/905), arts. 1(3), **6**)
- C2** S. 44(1)(2)(b) modified (S.) (14.12.2000) by S.I. 2000/3253, arts. 1(1)(2), 2, **Sch. 1 para. 5** (with art. 6)
- C3** S. 44(1)(2)(b): functions transferred to the Scottish Ministers (S.) (15.12.2000) by virtue of S.I. 2000/3253, arts. 1(1)(3), 3, **Sch. 2** (with art. 6)

**Status:**

Point in time view as at 05/12/2022.

**Changes to legislation:**

Regulation of Investigatory Powers Act 2000, Section 44 is up to date with all changes known to be in force on or before 17 June 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.