

2000 No. 2563

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Notification of Authorisations etc.) Order 2000

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>20th September 2000</i>
<i>Laid before Parliament</i>		<i>22nd September 2000</i>
<i>Coming into force</i>		<i>25th September 2000</i>

Whereas the Secretary of State may make an order under section 35(2)(c) of the Regulation of Investigatory Powers Act 2000(a);

And whereas subsections (6) and (7) of section 35 provide that the order made on the first occasion on which the power is exercised does not need to be approved by Parliament before being made, but must be approved after being made in accordance with subsection (7);

And whereas this is the first occasion on which the Secretary of State exercises the power;

Now, therefore, the Secretary of State, in exercise of the power conferred on him by section 35(2)(c) of the Regulation of Investigatory Powers Act 2000, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Notification of Authorisations etc.) Order 2000 and shall come into force on 25th September 2000.

Interpretation

2. In this Order—

“the 2000 Act” means the Regulation of Investigatory Powers Act 2000;

“authorisation” means a police or customs authorisation for the carrying out of intrusive surveillance;

“Commissioner” means an ordinary Surveillance Commissioner; and

“notice to a Commissioner” means the notice required to be given under section 35(1) of the 2000 Act.

(a) 2000 c. 23.

Notice of authorisation

3. Where a person grants an authorisation, the notice to a Commissioner shall, in addition to the statement required by section 35(3) of the 2000 Act(a), specify the following matters:

- (a) the grounds on which he believes the matters specified in section 32(2)(a) and (b) of the 2000 Act;
- (b) the nature of the authorised conduct including the residential premises or private vehicle in relation to which the conduct is authorised and the identity, where known, of persons to be the subject of the authorised conduct; and
- (c) whether the conduct to be authorised is likely to lead to intrusion on the privacy of persons other than any person who is to be the subject of that conduct.

Notice of renewal of authorisation

4. Where a person renews an authorisation, the notice to a Commissioner shall, in addition to the statement required by section 35(3) of the 2000 Act, specify the following matters:

- (a) whether the authorisation is being renewed for the first time, or, where it has been previously renewed, each occasion on which it has been renewed;
- (b) the matters required by article 3, as they apply at the time of notice of renewal;
- (c) every respect in which the information provided in the previous notice has changed;
- (d) the reason why it is considered to be necessary to renew the authorisation;
- (e) the content, and value to the investigation, of the information obtained to date by the conduct authorised;
- (f) the results of any reviews of the authorisation and
- (g) the period for which the authorisation is considered likely to continue to be necessary.

Notice of cancellation of authorisation

5. Where a person cancels an authorisation, the notice to a Commissioner shall specify the following matters:

- (a) the date and time when he gave the instructions to cease the conduct authorised;
- (b) the reasons for cancelling the authorisation;
- (c) the outcome of the investigation to which the authorisation related, and details of any criminal proceedings instituted or intended to be instituted; and
- (d) what arrangements have been made for the storage of material obtained as a result of the conduct authorised, for its review and its destruction when its retention is no longer required, and for the immediate destruction of any material unrelated to the purposes for which the conduct was authorised.

Home Office
20th September 2000

Charles Clarke
Minister of State

(a) 2000 c. 23; by virtue of sections 35(3) and 43(5), a notice of the grant or renewal of an authorisation must state either that the approval of a Commissioner is required by section 36 before the grant or renewal can take effect or, where that requirement does not apply by virtue of subsection (3) of that section, that the case is one of urgency and the grounds on which the case is believed to be one of urgency.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the matters which must be notified to an ordinary Surveillance Commissioner when a person grants, renews or cancels a police or customs authorisation for the carrying out of intrusive surveillance under Part II of the Regulation of Investigatory Powers Act 2000.

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£1.75

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E 2102 11/00 ON (MFK)