
STATUTORY INSTRUMENTS

2013 No. 2788

The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013

PART 3

Prescribed Offices, Ranks and Positions in relation to Relevant Sources

Amendment of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

7. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(1) is amended as set out in this Part.

Interpretation

8. After article 1(2) insert—

“(3) In this Order “relevant source” means a source holding an office, rank or position with one of the following—

- (a) a police force maintained under section 2 of the Police Act 1996(2),
- (b) the City of London Police Force,
- (c) the Metropolitan Police Force,
- (d) the Police Service of Northern Ireland,
- (e) the Police Service of Scotland,
- (f) the Ministry of Defence Police,
- (g) the Royal Navy Police,
- (h) the Royal Military Police,
- (i) the Royal Air Force Police,
- (j) the British Transport Police,
- (k) the National Crime Agency,
- (l) Her Majesty’s Revenue and Customs, or
- (m) the Home Office;

“section 29 authorisation” means an authorisation for the conduct or the use of a source under section 29 of the Act;

“source” means covert human intelligence source.”.

9.—(1) After article 1 insert—

(1) S.I. 2010/521.
(2) 1996 c.16.

“Long Term Authorisation

1A.—(1) In this Order a section 29 authorisation for the conduct or use of a relevant source is a long term authorisation if the periods mentioned in paragraph (2)(a) and (b), when taken together, exceed 12 months.

(2) Those periods are—

- (a) the period for which the relevant source will be authorised under the authorisation, having regard (where relevant) to paragraph (4), and
- (b) any period or periods, other than a period or periods to which paragraph (3) or (5) applies, for which the relevant source has previously been authorised as a source in relation to the same investigation or operation.

(3) This paragraph applies to a period or periods for which the relevant source has been authorised as a source under a section 29 authorisation where that authorisation was granted orally or by a person whose entitlement to act is confined to urgent cases.

(4) For the purposes of paragraph (2)(a) where the period or periods in respect of which a relevant source has previously been authorised as a source is less than 12 months in total, any further authorisation will cease to have effect, unless renewed, at the end of a period of 12 months less the total period for which the source has previously been authorised.

(5) For the purposes of paragraphs (2)(b) and (4) any period of authorisation which ceased to have effect more than 3 years prior to the intended commencement date of the authorisation referred to at paragraph (2)(a) shall be disregarded.

(6) In respect of an authorisation to which article 8(1)(b) of the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010(3) applies references in paragraphs (1) and (4) of this article to 12 months should be read as references to 3 months.

(7) For the purposes of this article any period for which the relevant source has previously been authorised as a source in relation to the same investigation or operation prior to 1st January 2014 shall be disregarded save for any period in relation to an authorisation that is extant on that date.”

Prescribed Offices, ranks and position with relevant public authorities

10. After article 3(1) insert—

“(1A) Part 1 to the Schedule has effect subject to Part 1A.”

11. At the end of article 3(2)(a) omit “and” and insert—

“(aa) column (2) of Part 1A of the Schedule (being offices, ranks and positions with the relevant public authorities which are listed in relation to such entries in column (1) of that Part and which are relevant public authorities for the purposes of section 29 of the Act in relation to the authorisation of relevant sources), and”.

Additional offices, ranks and positions prescribed for urgent cases

12. In article 4(2) after “(for the purposes of section 28 or 29 of the Act in the case of an entry in Part 1 of the Schedule” insert “or for the purposes of section 29 only in the case of an entry in Part 1A”.

Restrictions on the granting of authorisations

13. After article 5(1)(a) insert—

“(aa) section 29(3) of the Act in the case of an entry in Part 1A, or”.

14. After article 5(2)(a) insert—

“(aa) section 29(3) of the Act in the case of an entry in Part 1A, or”.

15. After article 6 insert—

“6A. Where an entry in column (2) of Part 1A of the Schedule is headed by reference to an authorisation of a relevant source or to an authorisation for a long term authorisation, an authorisation may only be granted by the individual holding the office, rank or position listed in an entry under the relevant heading.”.

Schedule

16.—(1) In Part 1 of the Schedule for the entry for Home Office substitute—

“Home Office	Immigration Inspector or Senior Officer with responsibility for immigration and border security investigations and functions	Chief Officer with responsibility for immigration and border security investigations and functions	Immigration or Higher Officer with responsibility for immigration and border security investigations and functions	Paragraphs (b) and (c)
	Immigration Inspector or Senior Executive Officer with responsibility for security and intelligence in detention services (Immigration Removal Centres)			Paragraphs (b) and (d)
	Section 28 authorisation	Section 28 authorisation		Paragraph (b)”
	The Head of the Unit responsible for anti-corruption investigations and functions	Immigration Inspector or Senior Executive Officer with responsibility for anti-corruption investigations and functions		

(2) After Part 1 of the Schedule insert—

“PART 1A

Offices etc and Restrictions In Respect of Public Authorities Specified in Part 1 of Schedule 1 to the Act in Relation to Relevant Sources

(1)	(2)	(3)	(4)
Relevant public authorities	Prescribed offices etc	Urgent cases	Grounds set out in section 29(3) of the Act
A police force maintained under section 2 of the Police Act 1996	<p>Relevant Source Authorisation</p> <p>Assistant Chief Constable</p> <p>Long Term Authorisation</p> <p>Chief Constable</p>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The City of London Police Force	<p>Relevant Source Authorisation</p> <p>Commander</p> <p>Long Term Authorisation</p> <p>Commissioner</p>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The Metropolitan Police Force	<p>Relevant Source Authorisation</p> <p>Commander</p> <p>Long Term Authorisation</p> <p>Assistant Commissioner</p>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The Police Service of Northern Ireland	<p>Relevant Source Authorisation</p> <p>Assistant Chief Constable</p> <p>Long Term Authorisation</p> <p>Chief Constable</p>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The Police Service of Scotland	<p>Relevant Source Authorisation</p> <p>Assistant Chief Constable</p>	Superintendent	Paragraphs (a), (b), (c), (d) and (e)

**Long Term
Authorisation**

Chief Constable

The Ministry of Defence Police **Relevant Source Authorisation** Superintendent Paragraphs (a), (b) and (c)

Assistant Chief Constable

**Long Term
Authorisation**

Chief Constable

The Royal Navy Police **Relevant Source Authorisation** Lieutenant Commander Paragraphs (a), (b) and (c)

Commander

**Long Term
Authorisation**

Provost Marshal (Navy)

The Royal Military Police **Relevant Source Authorisation** Major Paragraphs (a), (b) and (c)

Colonel

**Long Term
Authorisation**

Provost Marshal (Army)

The Royal Air Force Police **Relevant Source Authorisation** Squadron Leader Paragraphs (a), (b) and (c)

Wing Commander

**Long Term
Authorisation**

Provost Marshal (Royal Air Force)

The British Transport Police **Relevant Source Authorisation** Superintendent Paragraphs (a), (b), (c), (d) and (e)

Assistant Chief Constable

**Long Term
Authorisation**

Chief Constable

The National Crime Agency	Relevant Source Authorisation	Grade 2 Senior Manager	Paragraph (b)
	Deputy Director		
	Long Term Authorisation		
	Deputy Director General		
Her Majesty's Revenue and Customs	Relevant Source Authorisation	Senior Officer	Paragraphs (a), (b), (d), (e) and (f)
	Assistant Director		
	Long Term Authorisation		
	Director Criminal Investigation		
The Home Office	Relevant Source Authorisation	Grade 6 with responsibility for criminal investigations in relation to immigration and border security	Paragraphs (b), (c) and (d)"
	Senior Civil Service pay band 1 with responsibility for criminal investigations in relation to immigration and border security		
	Long Term Authorisation		
	Director General with responsibility for criminal investigations in relation to immigration and border security		