
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Regulation of Investigatory Powers Act 2000. (See end of Document for details)

SCHEDULES

SCHEDULE 21

POWERS OF IMMIGRATION OFFICERS: FURTHER PROVISION

PART 1

GENERAL

Regulation of Investigatory Powers Act 2000

5 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information

II Sch. 21 para. 5 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

6 In section 32(6) (authorisation of intrusive surveillance: senior authorising officers), in paragraph (m), omit the final “and”.

Commencement Information

I2 Sch. 21 para. 6 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

7 (1) Section 33 (rules for grant of authorisations) is amended in accordance with this paragraph.

(2) After subsection (4) insert—

“(4ZA) A senior official who is a senior authorising officer by virtue of a designation by the Secretary of State under section 32(6)(ma) shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an immigration officer.”.

(3) In subsection (5)(a), after “Customs” insert “, an immigration officer”.

Commencement Information

I3 Sch. 21 para. 7 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

8 (1) Section 34 (grant of authorisations in the senior officer's absence) is amended in accordance with this paragraph.

(2) In subsection (1)(a), after “Customs” insert “ or an immigration officer”.

(3) In subsection (2)(a), after “Customs” insert “ or the Secretary of State”.

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(4) In subsection (4), after paragraph (l) insert—

“(la) a person is entitled to act for a person who is a senior authorising officer by virtue of a designation under section 32(6)(ma), if the person is a senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purposes of this paragraph by the Secretary of State as a person entitled so to act in an urgent case;”.

Commencement Information

I4 Sch. 21 para. 8 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

9 (1) Section 35 (notification of authorisations for intrusive surveillance) is amended in accordance with this paragraph.

(2) In subsection (1), after “Customs” insert “ , immigration ”.

(3) In subsection (10)—

(a) in the words before paragraphs (a) to (c), after “Customs” insert “ , immigration ”;

(b) in paragraph (b), for “by the Commissioners for Her Majesty's Revenue and Customs” substitute “ under section 32(6)(m) or (ma) ”.

Commencement Information

I5 Sch. 21 para. 9 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

10 (1) Section 36 (approval required for authorisations to take effect) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) in paragraph (d) omit “or”;

(b) after paragraph (d) insert—

“(da) an immigration officer; or”.

(3) In subsection (6)—

(a) in paragraph (g) omit the final “and”;

(b) after paragraph (g) insert—

“(ga) where the authorisation was granted by a senior official designated under section 32(6)(ma) or entitled to act for such an official under section 34(4)(la), the senior official designated under section 32(6)(ma); and”.

Commencement Information

I6 Sch. 21 para. 10 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

11 In section 37 (quashing of authorisations), in subsection (1)—

(a) in paragraph (d) omit “or”;

(b) after paragraph (d) insert—

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“(da) an immigration officer; or”.

Commencement Information

I7 Sch. 21 para. 11 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

- 12 In section 40 (information to be provided to Surveillance Commissioners), in subsection (1)—
- (a) in paragraph (d) omit the final “and”;
 - (b) after paragraph (d) insert—
 - “(da) every immigration officer and every other official in the department of the Secretary of State by whom functions relating to immigration are exercisable, and”.

Commencement Information

I8 Sch. 21 para. 12 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

- 13 In section 46 (restrictions on authorisations extending to Scotland), in subsection (3)—
- (a) in paragraph (e) omit the final “and”;
 - (b) after paragraph (e) insert—
 - “(ea) the department of the Secretary of State by whom functions relating to immigration are exercisable; and”.

Commencement Information

I9 Sch. 21 para. 13 in force at 25.6.2013 by S.I. 2013/1042, art. 4(i)

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