STATUTORY INSTRUMENTS

# 2000 No. 2794

# INVESTIGATORY POWERS

## The Regulation of Investigatory Powers (Cancellation of Authorisations) Regulations 2000

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| *Made - - - - -* | *10th October 2000* |
| *Laid before Parliament* | *16th October 2000* |
| *Coming into force - -* | *6th November 2000* |

The Secretary of State, in exercise of the powers conferred on him by section 45(4) and (5) of the Regulation of Investigatory Powers Act 2000(**a**), hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Regulation of Investigatory Powers (Cancellation of Authorisations) Regulations 2000, and shall come into force on 6th November 2000.

**Performance of duty to cancel**

**2.**—(1) Where any duty imposed by section 45 of the Regulation of Investigatory Powers Act 2000(**a**) would otherwise fall on a person who is no longer available to perform it, that duty is to be performed by—

(a) the person, if any, appointed for the purpose of these Regulations in accordance with paragraph (2);

(b) where no such person has been appointed, the person, if any, who holds the same office, rank or position in the same public authority as was held by the person who is no longer available and who has taken over that person's responsibilities or most of them.

(2) The person making an appointment for the purpose of these Regulations, and the person appointed, must each be a person holding the same office, rank or position (or a more senior one) in the same public authority as was held by the person who is no longer available.

Home Office
10th October 2000

*Charles Clarke*
Minister of State

(**a**) 2000 c. 23.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 45 of the Regulation of Investigatory Powers Act 2000 imposes a duty on a number of persons to cancel authorisations under Part II of the Act, provided certain conditions are met.

These Regulations address the case where the duty falls on a person who is no longer available to perform it. Regulation 2(1)(b) provides for the duty to fall instead on the person who has taken over most of that person's responsibilities. There is also a power in regulation 2(1)(a) to appoint a person for this specific purpose, which may be needed where the application of regulation 2(1)(b) is uncertain or inappropriate in a particular case.

Where section 45 imposes a duty to cancel on two persons, and one of those persons remains available, neither the Act nor the Regulations relieve the duty imposed on him.

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