



Public Authorities able to authorise CHIS Criminal Conduct Authorisations

- Alongside law enforcement and the intelligence services, some of our wider public authorities also have important responsibilities for investigating and preventing criminal activity.
- For example, the Environment Agency investigate criminality including the illegal dumping of waste, the Serious Fraud Office investigate complex fraud cases, while HMRC tackle money laundering and trafficking of illicit excise goods.
- Wider public authorities will be low users of this power and only use it where it is necessary and proportionate to the activity it seeks to prevent. However there will be occasions where CHIS play a critical role in providing the intelligence needed to identify and prevent criminality, and as Organised Crime Groups expand increasingly into areas overseen by these public authorities, the need for robust investigative tools is more important than ever.
- All the public authorities listed in the Bill can already authorise CHIS use and conduct. Only those public authorities that have demonstrated an operational requirement to authorise CHIS participation in criminal conduct, are included in the Bill. This is a significantly smaller list than those able to authorise the use and conduct of a CHIS.

Relevant public authorities included in the Bill:

- Any of the intelligence services
- Any police force
- The National Crime Agency
- Her Majesty’s Revenue and Customs
- Any of Her Majesty’s Forces
- The Home Office
- The Ministry of Justice
- The Department of Health and Social Care (for the MHRA)
- The Competition and Markets Authority
- The Environment Agency
- The Financial Conduct Authority
- The Food Standards Agency
- The Gambling Commission
- The Serious Fraud Office

For authorisations under RIPSAs, it includes Police Scotland and the Scottish Administration.

Oversight and safeguards

The authorisation of criminal conduct authorisations is subject to strict requirements set out in the Bill and the Code of Practice. Authorisations are subject to the oversight arrangements in the Investigatory Powers Act 2016.

See factsheet on Oversight for full details.

Keeping public authorities use of the power under review

The Regulation of Investigatory Powers Act 2000 provides an order making power to enable public authorities to be added or removed in the future. Adding a public authority would be subject to the affirmative procedure, requiring a debate in, and approval of, both Houses, before the change is made.

Case Study – Medicines and Healthcare products Regulatory Agency (MHRA)

During an investigation into the sale and supply of prescription medicines removed from the UK supply chain, an authorisation was granted over a 4-month period to identify individuals linked to this criminal network. The authorisation was required to allow an authorised individual to purchase the controlled medicines on the “black market” which is a criminal offence. The operation was successful in identifying those involved leading to 7 arrests and dozens of illegally obtained medicines, destined for sale to the public being seized.

Case Study - HMRC

HMRC was involved in an investigation targeting an international Organised Crime Group (OCG) involved in the illegal importation of cigarettes and evading the payment of duty. An HMRC undercover officer portrayed the role of ‘controller’ of the cigarettes in the UK, with the intention that the OCG would pay the officer for counterfeit cigarettes. The criminal conduct authorised included being knowingly concerned in the fraudulent evasion or attempt at evasion of duty and offering smuggled goods for sale. Through this, HMRC were able to avoid over £3 million of revenue being evaded.