

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Authorisation of surveillance and human intelligence sources

Section 14: Approval required for authorisations to take effect

53. *Subsection (1)* provides that, except in urgent cases, authorisations granted for intrusive surveillance will not take effect until they have been approved by an ordinary Surveillance Commissioner and written notice of the Commissioner's decision has been given to the person who granted the authorisation.
54. *Subsection (2)* provides that where the person who granted the authorisation is satisfied that the case is one of urgency, the authorisation will take effect from the time of grant, provided the appropriate notice is given to the ordinary Surveillance Commissioner, as described in section 13(3).
55. *Subsection (3)* provides that an ordinary Surveillance Commissioner shall give his approval only if he is satisfied that there are reasonable grounds for being satisfied that the authorisation is necessary and that the surveillance is proportionate to what is sought to be achieved.
56. If an ordinary Surveillance Commissioner decides not to approve an authorisation, *subsection (4)* requires him to make a report of his findings to the "most senior relevant person" (as defined in *subsection (5)*). This will be a chief constable.
57. *Subsection (6)* specifies that any notice that is required by any provision of section 14 to be given in writing may be given, instead, by being transmitted by electronic means.