



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Authorisation of surveillance and human intelligence sources

13 Notification of authorisations for intrusive surveillance

- (1) Where a person grants or cancels an authorisation for the carrying out of intrusive surveillance, the person shall give notice of the grant or cancellation to an ordinary Surveillance Commissioner.
- (2) A notice given for the purposes of subsection (1) above—
 - (a) must be given in writing as soon as reasonably practicable after the grant or, as the case may be, cancellation of the authorisation to which it relates;
 - (b) must be given in accordance with any such arrangements made for the purposes of this paragraph by the Chief Surveillance Commissioner as are for the time being in force; and
 - (c) must specify such matters as the Scottish Ministers may by order prescribe.
- (3) A notice under this section of the grant of an authorisation shall, as the case may be, either—
 - (a) state that the approval of a Surveillance Commissioner is required by section 14 below before the grant of the authorisation will take effect; or
 - (b) state that the case is one of urgency and set out the grounds on which the person granting the authorisation is satisfied that the case is one of urgency.
- (4) Where a notice for the purposes of subsection (1) above of the grant of an authorisation has been received by an ordinary Surveillance Commissioner, the Commissioner shall, as soon as practicable—
 - (a) scrutinise the authorisation; and
 - (b) in a case where notice has been given in accordance with subsection (3)(a) above, decide whether or not to approve the authorisation.
- (5) Subject to subsection (6) below, the Scottish Ministers shall not make an order under subsection (2)(c) above unless a draft of the order has been laid before and approved by a resolution of the Scottish Parliament.

Status: This is the original version (as it was originally enacted).

- (6) Subsection (5) above does not apply in the case of an order made on the first occasion on which the Scottish Ministers exercise their powers to make an order under subsection (2)(c) above.
- (7) The order made on that occasion shall cease to have effect at the end of the period of 40 days beginning with the day on which it was made unless, before the end of that period, it has been approved by resolution of the Scottish Parliament.
- (8) For the purposes of subsection (7) above—
 - (a) the order's ceasing to have effect shall be without prejudice to anything previously done or to the making of a new order; and
 - (b) in reckoning the period of 40 days, no account shall be taken of any period during which the Scottish Parliament is dissolved or is in recess for more than 4 days.
- (9) Any notice that is required by any provision of this section to be given in writing may be given, instead, by being transmitted by electronic means.