



# Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

## *Authorisation of surveillance and human intelligence sources*

### **14 Approval required for authorisations to take effect**

- (1) Subject to subsection (2) below, an authorisation for the carrying out of intrusive surveillance shall not take effect until such time (if any) as—
  - (a) the grant of the authorisation has been approved by an ordinary Surveillance Commissioner; and
  - (b) written notice of the decision of that approval by that Commissioner has been given, in accordance with subsection (3) below, to the person who granted the authorisation.
- (2) Where the person who grants the authorisation—
  - (a) is satisfied that the case is one of urgency; and
  - (b) gives notice in accordance with section 13(3)(b) above,subsection (1) above shall not apply to the authorisation, and the authorisation shall have effect from the time of its grant.
- (3) Where subsection (1) above applies to the authorisation—
  - (a) a Surveillance Commissioner shall give approval under this section to the authorisation if, and only if, satisfied that there are reasonable grounds for being satisfied that the requirements of section 10(2)(a) and (b) above are satisfied in the case of the authorisation; and
  - (b) a Surveillance Commissioner who makes a decision as to whether or not the authorisation should be approved shall, as soon as reasonably practicable after making that decision, give written notice of that decision to the person who granted the authorisation.
- (4) If an ordinary Surveillance Commissioner decides not to approve an authorisation to which subsection (1) above applies, the Commissioner shall make a report of that decision and the Commissioner's findings to the most senior relevant person.
- (5) In this section "the most senior relevant person" means—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) in relation to an authorisation granted on the application of a member of a police force, the chief constable of that force; and
  - (b) in relation to an authorisation granted on the application of a member of the Scottish Crime Squad, the chief constable of the police force—
    - (i) who;
    - (ii) whose designated deputy; or
    - (iii) on whose behalf a person entitled under subsection (4) of section 12 above,granted it.
- (6) 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.
- (7) In this section “designated deputy” has the same meaning as in section 12 above.