



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Grant, renewal and duration of authorisations

19 General rules about grant, renewal and duration

- (1) An authorisation under this Act—
 - (a) may be granted or renewed orally in any urgent case in which the entitlement to act of the person granting or renewing it is not confined to urgent cases; and
 - (b) in any other case, must be in writing.
- (2) A single authorisation may combine two or more different authorisations under this Act; but the provisions of this Act that are applicable in the case of each of the authorisations shall apply separately in relation to the part of the combined authorisation to which they are applicable.
- (3) Subject to subsections (4) and (8) below, an authorisation under this Act shall cease to have effect at the end of the following period—
 - (a) in the case of an authorisation which—
 - (i) has not been renewed and was granted either orally or by a person whose entitlement to act is confined to urgent cases; or
 - (ii) was last renewed either orally or by such a person,the period of 72 hours beginning with the time when the grant of the authorisation or, as the case may be, its latest renewal takes effect;
 - (b) in a case not falling within paragraph (a) above in which the authorisation is for the conduct or the use of a covert human intelligence source, the period of 12 months beginning with the day on which the grant of the authorisation or, as the case may be, its latest renewal takes effect; and
 - (c) in any case not falling within paragraph (a) or (b) above, the period of three months beginning with the day on which the grant of the authorisation or, as the case may be, its latest renewal takes effect.
- (4) Subject to subsection (6) below, an authorisation under this Act may be renewed, at any time before the time at which it ceases to have effect, by any person who would be entitled to grant a new authorisation in the same terms.

- (5) Sections 6 to 18 above shall have effect in relation to the renewal of an authorisation under this Act as if references to the grant of an authorisation included references to its renewal.
- (6) A person shall not renew an authorisation for the conduct or the use of a covert human intelligence source, unless the person—
- (a) is satisfied that a review has been carried out of the matters mentioned in subsection (7) below; and
 - (b) has, for the purpose of deciding whether to renew the authorisation, considered the results of that review.
- (7) The matters mentioned in subsection (6) above are—
- (a) the use made of the source in the period since the grant or, as the case may be, latest renewal of the authorisation; and
 - (b) the tasks given to the source during that period and the information obtained from the conduct or the use of the source.
- (8) The Scottish Ministers may by order provide, in relation to authorisations of such descriptions as may be specified in the order, that subsection (3) above is to have effect as if the period at the end of which an authorisation of a description so specified is to cease to have effect were such period, shorter than that provided for by that subsection, as may be fixed by or determined in accordance with that order.
- (9) References in this section to the time at which, or the day on which, the grant or renewal of an authorisation takes effect are references—
- (a) in the case of the grant of an authorisation to which paragraph (c) below does not apply, to the time at which or, as the case may be, day on which the authorisation is granted;
 - (b) in the case of the grant of the renewal of an authorisation to which paragraph (c) below does not apply, to the time at which or, as the case may be, day on which the authorisation would cease to have effect but for the renewal; and
 - (c) in the case of any grant or renewal that takes effect under subsection (1) of section 14 above at a time or on a day later than that given in paragraph (a) or (b) above, to the time at which or, as the case may be, the day on which the grant or renewal takes effect in accordance with that subsection.

20 Cancellation of authorisations

- (1) The person who granted or, as the case may be, last renewed an authorisation under this Act shall cancel it—
- (a) if satisfied that the authorised conduct no longer satisfies the requirements of section 6(2)(a) and (b), 7(2)(a) and (b) or, as the case may be, 10(2)(a) and (b) above; or
 - (b) in the case of an authorisation under section 7 above, if satisfied that arrangements for the source's case that satisfy the requirements of subsection (2)(c) of that section no longer exist.
- (2) Where an authorisation under this Act was granted or, as the case may be, last renewed—
- (a) by a person entitled to act for any other person; or
 - (b) by the deputy of any other person,

that other person shall cancel the authorisation if satisfied as to either of the matters mentioned in subsection (1) above.

- (3) Where an authorisation under this Act was granted or, as the case may be, last renewed by a person whose deputy had power to grant it and it is not reasonably practicable for that person to cancel it under subsection (1) above, that deputy shall cancel the authorisation if he is satisfied as to either of the matters mentioned in subsection (1) above.
- (4) The Scottish Ministers may by regulations provide for the person by whom any duty imposed by this section is to be performed in a case in which it would otherwise fall on a person who is no longer available to perform it.
- (5) Regulations under subsection (4) above may provide for the person on whom the duty is to fall to be a person appointed in accordance with the regulations.
- (6) The references in this section to a person's deputy are references, in relation to a chief constable of a police force, to the designated deputy of the chief constable.
- (7) In this section "designated deputy" has the same meaning as in section 12 above.