

These notes relate to the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) which received Royal Assent on 28 September 2000

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Authorisation of surveillance and human intelligence sources

Section 13: Notification of authorisations for intrusive surveillance

48. Where an intrusive surveillance authorisation is granted or cancelled, except where it is cancelled under section 15(2), written notification must be given to an ordinary Surveillance Commissioner as soon as reasonably practicable. *Subsection (2)* requires that notification to be in accordance with arrangements made by the Chief Surveillance Commissioner and must specify the matters prescribed by order of the Scottish Ministers.
49. By virtue of *subsection (3)*, such a notice must indicate that the authorisation or renewal requires the approval of an ordinary Surveillance Commissioner before it takes effect (see section 14) or that the case is one of urgency, together with the grounds for that belief.
50. *Subsection (4)* provides that the ordinary Surveillance Commissioner must, as soon as practicable, scrutinise the notice and decide whether or not to approve the authorisation in those cases where his approval is required.
51. *Subsection (5)* specifies that the Scottish Ministers must not make an order under section 13(2)(c) unless a draft of the order has been laid before and approved by resolution of the Scottish Parliament.
52. *Subsection (9)* provides that any notice that is required by any provision of section 13 to be given in writing may be given, instead, by being transmitted by electronic means.