



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 [^{F1}a Judicial 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 [^{F2}Judicial 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 [^{F2}Judicial 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 [^{F3}a Judicial 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—

Changes to legislation: There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 14. (See end of Document for details)

- (a) in relation to an authorisation granted on the application of a [^{F4}constable of the Police Service, the chief constable of the Police Service; and
- (aa) in relation to an authorisation granted on an application by a staff officer of the Police Investigations and Review Commissioner, the Police Investigations and Review Commissioner.]

^{F5}(b)

(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.

^{F6}(7)

Textual Amendments

- F1** Words in s. 14(1)(a) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(5)(a), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F2** Words in s. 14(3)(a)(b) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(5)(c), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F3** Words in s. 14(4) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(5)(a), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F4** S. 14(5)(aa) and words substituted (1.4.2013) for words by Police and Fire Reform (Scotland) Act 2012 (asp 8) , s. 129(2) , **Sch. 7 para. 15(7)** ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** S. 14(5)(b) repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8) , s. 129(2) , **Sch. 8 Pt. 1** ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F6** S. 14(7) repealed (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 106(6)(b), 206(1)**; S.S.I. 2011/178, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 14 excluded (26.9.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 8 para. 26(b)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 3(g)(ii)

Changes to legislation:

There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 14.