



# Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

## *Authorisation of surveillance and human intelligence sources*

### **15 Quashing of authorisations etc**

- (1) Where an ordinary Surveillance Commissioner is at any time satisfied that, at the time the authorisation for the carrying out of intrusive surveillance was granted or at any time when it was renewed, there were no reasonable grounds for being satisfied that the requirements of section 10(2)(a) and (b) above were satisfied, the Commissioner may quash the authorisation with effect, as the Commissioner thinks fit, from the time of the grant of the authorisation or from the time of any renewal of the authorisation.
- (2) If an ordinary Surveillance Commissioner is satisfied at any time while the authorisation is in force that there are no longer any reasonable grounds for being satisfied that the requirements of section 10(2)(a) and (b) above are satisfied in relation to the authorisation, he may cancel the authorisation with effect from such time as appears to the Commissioner to be the time from which those requirements ceased to be so satisfied.
- (3) Where, in the case of any authorisation of which notice has been given in accordance with section 13(3)(b) above, an ordinary Surveillance Commissioner is at any time satisfied that, at the time of the grant or renewal of the authorisation to which that notice related, there were no reasonable grounds for being satisfied that the case was one of urgency, the Commissioner may quash the authorisation with effect, as the Commissioner thinks fit, from the time of the grant of the authorisation or from the time of any renewal of the authorisation.
- (4) Subject to subsection (6) below, where an ordinary Surveillance Commissioner quashes an authorisation under this section, the Commissioner may order the destruction of any records relating wholly or partly to information obtained by the authorised conduct after the time from which the decision of the Commissioner takes effect.
- (5) Subject to subsection (6) below, where—
  - (a) an authorisation has ceased to have effect (otherwise than by virtue of subsection (1) or (3) above); and

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*Status: This is the original version (as it was originally enacted).*

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- (b) an ordinary Surveillance Commissioner is satisfied that there was a time while the authorisation was in force when there were no reasonable grounds for being satisfied that the requirements of section 10(2)(a) and (b) above continued to be satisfied in relation to the authorisation,  
the Commissioner may order the destruction of any records relating, wholly or partly, to information obtained at such time by the authorised conduct.
- (6) No order shall be made under this section for the destruction of any records required for pending criminal or civil proceedings.
- (7) Where an ordinary Surveillance Commissioner exercises a power conferred by this section, the Commissioner shall, as soon as reasonably practicable, make a report of that exercise of that power and of the Commissioner's reasons for doing so—
- (a) to the most senior relevant person (within the meaning of section 14 above);  
and
  - (b) to the Chief Surveillance Commissioner.
- (8) Where an order for the destruction of records is made under this section, the order shall not become operative until such time (if any) as—
- (a) the period for appealing against the decision to make the order has expired;  
and
  - (b) any appeal brought within that period has been dismissed by the Chief Surveillance Commissioner.
- (9) No notice shall be required to be given under section 13(1) above in the case of a cancellation under subsection (2) above.