
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 271

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 3) 2012**

Applications under section 23B of the Regulation of Investigatory Powers Act 2000

10.—(1) The Summary Application Rules are amended in accordance with the following subparagraphs.

(2) After Part XLI (Reporting restrictions under the Contempt of Court Act 1981)(1) insert—

“PART XLII

REGULATION OF INVESTIGATORY POWERS ACT 2000

Interpretation

3.42.1. In this Part—

“the 2000 Act” means the Regulation of Investigatory Powers Act 2000(2);

and words and expressions used in this Part and in the 2000 Act shall have the same meaning given in the 2000 Act.

Authorisations requiring judicial approval

3.42.2.—(1) An application under section 23B(1) of the 2000 Act (procedure for judicial approval) for an order under section 23A(2) (authorisations requiring judicial approval)(3)—

- (a) approving the grant or renewal of an authorisation; or
- (b) the giving or renewal of a notice,

shall be in Form 59, which must be signed by a solicitor on behalf of the local authority.

(2) The application (and any order made in relation to it) must not be intimated to—

- (a) the person to whom the authorisation or notice which is the subject of the application or order relates; or
- (b) such person’s representatives.

(3) The application must be heard and determined by the sheriff in private.

(4) Where an application is granted by the sheriff the order shall be in Form 60.”.

(3) In Schedule 1 after Form 58(4) insert Forms 59 and 60 as set out in the Schedule to this Act of Sederunt.

(1) Part XLI was inserted by [S.S.I.2011/386](#) and amended by [S.S.I. 2012/188](#).

(2) [2000 c.23](#).

(3) Sections 23A and 23B of the 2000 Act are inserted by section 37 of the Protection of Freedoms Act 2012 (c.9).

(4) Form 58 was inserted by [S.S.I. 2009/320](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
