

SCHEDULE

Paragraph 10(3)

Form 59

Rule 3.42.2(1)

FORM OF APPLICATION FOR JUDICIAL APPROVAL UNDER SECTION 23B(1)
OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Court ref. no.

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.], *(insert designation and address of local authority)*, Applicant

Order sought from the court

**Delete as appropriate*

The Applicant applies to the court under section 23B(1) of the Regulation of Investigatory Powers Act 2000 ("the Act") to grant an order under section 23A(2) of the Act approving *[*the grant or renewal of an authorisation] or [the giving or renewal of a notice]* to obtain communications data *[*about (insert name and address of person (if known) or other identifying details) [*from (insert name and address of postal or telecommunications operator from whom the communications data is to be obtained)]*.

Statement

**Delete as appropriate*

1. This application is made pursuant to section 23B(1) of the Act.
2. The Applicant is a local authority the area of which is situated within the jurisdiction of this court. This court accordingly has jurisdiction.
3. *[Insert name and office, rank or position of relevant person]*, a relevant person within the meaning of section 23A(6) of the Act, has—
 - (a) granted or renewed an authorisation under section 22(3), (3B) or (3F) of the Act;
 - (b) given or renewed a notice under section 22(4) of the Act

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(insert here a brief statement indicating when the authorisation or notice was given, granted or renewed and the terms of such authorisation or notice)

4. At the time the relevant person [**[*granted or renewed]* the authorisation under section [**22(3), (3B) or (3F)]*] or [**[*gave or renewed]* a notice under section 22(4)] of the Act there were reasonable grounds for believing that it was necessary to obtain communications data—
- *(a)* in the interests of national security;
 - *(b)* for the purpose of preventing or detecting crime or of preventing disorder;
 - *(c)* in the interests of the economic well-being of the United Kingdom;
 - *(d)* in the interests of public safety;
 - *(e)* for the purpose of protecting public health;
 - *(f)* for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;
 - *(g)* for the purpose, in an emergency, of preventing death or injury or any damage to a person's physical or mental health, or of mitigating any injury or damage to a person's physical or mental health; or
 - *(h)* for any purpose (not falling within paragraphs (a) to (g)) which is specified for the purposes of section 22(2)(h) by an order made by the Secretary of State (*specify relevant details*).

(insert here a brief statement indicating the basis upon which such grounds were believed to exist)

5. At the time the relevant person [**[*granted or renewed]* the authorisation under section [**22(3), (3B) or (3F)]*] or [**[*gave or renewed]* a notice under section 22(4)] of the Act there were reasonable grounds for believing that obtaining the data in question by the conduct authorised or required by the authorisation or notice was proportionate to what was sought to be achieved by so obtaining the data.

(insert here a brief statement indicating the basis upon which so obtaining the data was believed to be proportionate)

6. At the time that the authorisation or notice was given, granted or renewed the relevant conditions set out in section 23A(5)(a) or (c) of the Act were satisfied.

(insert here a brief statement indicating the basis upon which the relevant conditions were satisfied)

7. There remain reasonable grounds for believing that the matters referred to in paragraphs 4, 5 and 6 are satisfied in relation to the authorisation or notice.

(insert here a brief statement indicating the basis for this averment)

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8. In the circumstances narrated the Applicant is entitled to the order sought and it should be granted accordingly.

(signed)

[X.Y.] *(add designation and business address)*

Solicitor for Applicant

(insert date)

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Form 60

Rule 4.32.2(4)

FORM OF ORDER UNDER SECTION 23A(2) OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Sheriff Court

on..... 20

(Court Ref. No.)

The sheriff, having considered an application made under section 23B(1) of the Regulation of Investigatory Powers Act 2000 (“the Act”) for an order under section 23A(2) of the Act,

*Being satisfied as necessary as to the matters mentioned in section [*23A(3) or 23A(4)] of the Act:

- 1. Makes an order in terms of section 23A(2) of the Act [*approving the grant or renewal of the authorisation OR the giving or renewal of the notice].
- [*2. Directs notification of this order by (*insert details of method and timing of notice*) to (*insert name and address of postal or telecommunications operator from whom the communications data is to be obtained*).]

OR

*Refuses to approve the [*grant or renewal of the authorisation concerned OR the giving or renewal of the notice concerned] [*and makes an order under section 23B(3) of the Act quashing the authorisation OR notice.]

**Delete as appropriate*

(*signed*)

Sheriff