



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Supplemental*

#### [<sup>F1</sup>77A Procedure for order of sheriff under section <sup>F2</sup>... 32A: Scotland

- (1) This section applies to an application to the sheriff for an order under section <sup>F3</sup>... 32A.
- (2) Rules of court must make provision for the purposes of ensuring that an application to which this section applies is dealt with in private and must, in particular—
  - (a) require the sheriff to determine an application in private,
  - (b) secure that any hearing is to be held in private, and
  - (c) ensure that notice of an application (or of any order being made) is not given to—
    - (i) the person to whom the authorisation or notice which is the subject of the application or order relates, or
    - (ii) such a person's representatives.
- (3) The Court of Session's power under section 32 of the Sheriff Courts (Scotland) Act 1971 to regulate and prescribe the procedure and practice to be followed in relation to an application to which this section applies is subject to, but is not otherwise constrained by, [<sup>F4</sup>section 32B] and this section.]

#### Textual Amendments

- F1** Ss. 77A, 77B inserted (1.11.2012 for specified purposes) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 15](#) (with s. 97); S.I. 2012/2075, art. 4(e)

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**Changes to legislation:** Regulation of Investigatory Powers Act 2000, Section 77A is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- F2** Words in s. 77A heading omitted (coming into force in accordance with reg. 1(4)(e)(5) of the amending S.I.) by virtue of [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [Sch. 2 para. 1\(2\)\(a\)](#)
- F3** Words in s. 77A(1) omitted (coming into force in accordance with reg. 1(4)(e)(5) of the amending S.I.) by virtue of [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [Sch. 2 para. 1\(2\)\(b\)](#)
- F4** Words in s. 77A(3) substituted (coming into force in accordance with reg. 1(4)(e)(5) of the amending S.I.) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), [Sch. 2 para. 1\(2\)\(c\)](#)

**Changes to legislation:**

Regulation of Investigatory Powers Act 2000, Section 77A is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 77A(1) words substituted by [2016 c. 25 Sch. 10 para. 57\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 paras. 57, 58 omitted (5.2.2019) prior to commencement by virtue of S.I. 2018/1123, reg. 1(4)(d)(5), Sch. 1 para. 28 (see S.I. 2019/174, reg. 2(c)))
- s. 77A(1) words substituted by [2016 c. 25 Sch. 10 para. 57\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 paras. 57, 58 omitted (5.2.2019) prior to commencement by virtue of S.I. 2018/1123, reg. 1(4)(d)(5), Sch. 1 para. 28 (see S.I. 2019/174, reg. 2(c)))
- s. 77A(3) words substituted by [2016 c. 25 Sch. 10 para. 57\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 paras. 57, 58 omitted (5.2.2019) prior to commencement by virtue of S.I. 2018/1123, reg. 1(4)(d)(5), Sch. 1 para. 28 (see S.I. 2019/174, reg. 2(c)))

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)