Order made by the Scottish Ministers, laid before the Scottish Parliament under section 13(7) of the Regulation of Investigatory Powers (Scotland) Act 2000, for approval by resolution of the Scottish Parliament within forty days beginning with the day on which the Order was made, subject to extension for periods of dissolution or recess for more than four days.

SCOTTISH STATUTORY INSTRUMENTS

2000 No. 340

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Notification of Authorisations etc.) (Scotland) Order 2000

Made - - - -	*29th September 2000*
Laid before the Scottish Parliament - - - -	*29th September 2000*
Coming into force - -	*2nd October 2000*

Whereas the Scottish Ministers may make an order under section 13(2)(c) of the Regulation of Investigatory Powers (Scotland) Act 2000(**1**);

And whereas subsections (6) and (7) of that section provide that the order made on the first occasion on which the powers are exercised does not need to be approved by the Scottish Parliament before being made, but must be approved after being made in accordance with subsection (7);

And whereas this is the first occasion on which the Scottish Ministers exercise the powers;

Now, therefore, the Scottish Ministers, in exercise of the powers conferred on them by section 13(2)(c) of the Regulation of Investigatory Powers (Scotland) Act 2000 and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Notification of Authorisations etc.) (Scotland) Order 2000 and shall come into force on 2nd October 2000.

Interpretation

2. In this Order:–

"the 2000 Act" means the Regulation of Investigatory Powers (Scotland) Act 2000;

"authorisation" means an authorisation for the carrying out of intrusive surveillance;

(**1**) 2000 asp 11.

"Commissioner" means an ordinary Surveillance Commissioner; and

"notice to a Commissioner" means the notice required to be given under section 13(1) of the 2000 Act.

Notice of authorisation

3. Where a person grants an authorisation, the notice to a Commissioner shall, in addition to the statement required by section 13(3) of the 2000 Act(**2**), specify the following matters:–

(a) the grounds on which the person is satisfied as to the matters specified in section 10(2)(a) and (b) of the 2000 Act;

(b) the nature of the authorised conduct including the residential premises or private vehicle in relation to which the conduct is authorised and the identity, where known, of persons to be the subject of the authorised conduct; and

(c) whether the conduct to be authorised is likely to lead to intrusion on the privacy of persons other than any person who is to be the subject of that conduct.

Notice of renewal of authorisation

4. Where a person renews an authorisation, the notice to a Commissioner shall, in addition to the statement required by section 13(3) of the 2000 Act, specify the following matters:–

(a) whether the authorisation is being renewed for the first time, or, where it has been previously renewed, each occasion on which it has been renewed;

(b) the matters required by article 3, as they apply at the time of notice of renewal;

(c) every respect in which the information provided in the previous notice has changed;

(d) the reason why it is considered to be necessary to renew the authorisation;

(e) the content, and value to the investigation, of the information obtained to date by the conduct authorised;

(f) the results of any reviews of the authorisation; and

(g) the period for which the authorisation is considered likely to continue to be necessary.

Notice of cancellation of authorisation

5. Where a person cancels an authorisation, the notice to a Commissioner shall specify the following matters:–

(a) the date and time when that person gave the instructions to cease the conduct authorised;

(b) the reasons for cancelling the authorisation;

(c) the outcome of the investigation to which the authorisation related, and details of any criminal proceedings instituted or intended to be instituted; and

(d) what arrangements have been made for the storage of material obtained as a result of the conduct authorised, for its review and its destruction when its retention is no longer required, and for the immediate destruction of any material unrelated to the purposes for which the conduct was authorised.

(**2**) 2000 asp 11; by virtue of sections 13(3) and 19(5), a notice of the grant or renewal of an authorisation must state either that the approval of a Commissioner is required by section 14 before the grant or renewal can take effect or, where that requirement does not apply by virtue of subsection (2) of that section, that the case is one of urgency and the grounds on which the person granting the authorisation is satisfied that the case is one of urgency.