

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

“Senior official” is defined in Section 81(1).

“International mutual assistance agreement” is defined in Section 20.

70. *Subsection (2)(b)* allows an interception warrant to be issued under the hand of a senior official for the purpose of complying with a request for mutual assistance under an international mutual assistance agreement (designated under Section 1(4)) in circumstances in which the subject of the interception or the premises and the competent authority making the request are outside the United Kingdom.
71. This will allow the United Kingdom to comply with the requirements of Article 16 of the Convention on Mutual Assistance in Criminal Matters. Article 16 includes the situation where the United Kingdom is requested to issue an interception warrant to the operator of a satellite ground station in the United Kingdom for the purpose of intercepting a satellite telephone being used on the territory of another Member State. Article 16 enables such warrants to be issued by the requested Member State (in this case, the United Kingdom) "without further formality" provided the competent authorities of the requesting Member State have already issued an interception order against the subject of interception. Since no decision is being made on the merits of the case, and the purpose of the warrant is solely to require the satellite operator to provide technical assistance to the other Member State, it is considered appropriate for these warrants to be issued by senior officials rather than the Secretary of State.
72. *Subsection (3)* specifies to whom the warrant must be addressed (see list in Section 6(2)) and that in the case of a warrant under the hand of a senior official it contains one of the statements in subsection (4). The statement in subsection (4)(a) relates to urgent cases and is explained above.
73. *Subsection (4)(b)* applies only in cases where the warrant is issued in connection with a request made under an international mutual assistance agreement. It ensures, in conjunction with *subsection (5)*, that a statement of the purpose of the warrant is recorded, including the fact that it appears, at the time of the issue of the warrant, that the interception subject is outside the United Kingdom.

Section 8: Contents of warrant

74. This Section describes the two different forms which a warrant may take.
75. *Subsections (1)(a) and (b)* require that either the person or the set of premises to be intercepted is named or described on the face of the warrant.