

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

INTRUSIVE SURVEILLANCE

Section 37: Quashing of police and customs authorisations for intrusive surveillance etc

214. This section gives Surveillance Commissioners the power to quash or cancel an authorisation for intrusive surveillance.
215. Under *subsection (2)*, an ordinary Surveillance Commissioner may quash an authorisation, with effect from the time of the grant of the authorisation or renewal, if he believes that the criteria for authorisation in section 32 were not met at the time the authorisation was granted or renewed.
216. Alternatively, he may, under *subsection (3)* cancel an authorisation if he believes that there are no longer any reasonable grounds for believing that the criteria in section 32 are met. In such a case, he may cancel the authorisation from the time that the criteria, in his opinion, ceased to be met.
217. If an authorisation was granted or renewed by way of the urgency procedure, and the ordinary Surveillance Commissioner is satisfied that, at the time of grant or renewal, there were no reasonable grounds for believing the case to be one of urgency, he may quash the authorisation.
218. He may also, under *subsections (5) and (6)*, order the destruction of records, apart from those required for pending civil or criminal procedures. Where an authorisation is cancelled, he may only order the destruction of records from the time the authorisation no longer meets the criteria specified in section 32.
219. An order to destroy records does not become operative until after the period allowed for appealing against the decision or the dismissal of such an appeal.
220. Where an ordinary Surveillance Commissioner exercises a power conferred by this section, he will make a report of his actions, together with his reasons, as soon as reasonably practicable, to the most senior relevant person (usually the chief constable) and to the Chief Surveillance Commissioner.