

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

OTHER AUTHORISATIONS

Part V: Miscellaneous and Supplemental

Section 74: Warrants under the Intelligence Services Act 1994

344. This section changes the test which must be satisfied before a warrant is issued under section 5 of the Intelligence Services Act 1994. Instead of “likely to be of substantial value”, the test is now that the Secretary of State must be satisfied that:
- the action is necessary for the purpose of a function of the intelligence agency;
 - the action is proportionate to what it seeks to achieve;
 - the action authorised by the warrant could not reasonably be achieved by other means.
345. *Subsection (3)* amends the urgent provisions so that a senior official of any department may sign an urgent warrant issued on the oral authority of the Secretary of State. Such a senior official will be a member of the Senior Civil Service or its equivalent in the Diplomatic Service.