

GREFFE  
ROYAL COURT  
11 JUN 2004  
GUERNSEY

## The Regulation of Investigatory Powers (Notification of Authorisations, etc.) Regulations, 2004

*Made*

*Coming into force*

14<sup>th</sup> June 2004

*Laid before the States*

THE STATES HOME DEPARTMENT, in exercise of the powers conferred on it by section 29(2)(c) of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003<sup>1</sup> hereby makes the following Regulations:

### Citation and commencement

1. These Regulations may be cited as the Regulation of Investigatory Powers (Notification of Authorisations, etc.) Regulations, 2004 and shall come into force on 14<sup>th</sup> June, 2004.

### Interpretation

2. In these Regulations -

“**the Law**” means the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003;

“**authorisation**” means a police or customs authorisation for the carrying out of intrusive surveillance;

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<sup>1</sup> Order in Council No. XXX of 2003

**“Her Majesty’s Procureur”** includes Her Majesty’s Comptroller; and

**“notice to Her Majesty’s Procureur”** means the notice required to be given under section 29 (1) of the Law.

**Notice of authorisation**

3. Where a person grants an authorisation, the notice to Her Majesty’s Procureur shall, in addition to the statement required by section 29(3) of the Law, specify the following matters:

- (a) the grounds on which he believes the matters specified in section 26(2)(a) and (b) of the Law;
- (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 Her Majesty’s Procureur shall, in addition to the statement required by section 29 (3) of the Law, 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 Regulation 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 Her Majesty's Procureur shall specify the following matters -

- (a) the date and time when he 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.

**DATED** this Eighth day of June 2004

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Minister for the Home Department

For and on behalf of the Department

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order specifies the matters which must be notified to Her Majesty's Procureur when a person grants, renews or cancels a police or customs authorisation for the carrying out of intrusive surveillance under Part II of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003.