

### Applications to the Magistrates' Court

The Investigating Officer should contact a member of the Legal Team for guidance on the judicial process however the procedure set out below is process that should be followed.

The Investigating Officer must contact Leicester Magistrates' Court on 0116 255 3666. Initially ask to speak to someone in the Listings Office and explain that you need to seek judicial approval of a RIPA authorisation.

Phone them up first. Arrange to attend a hearing with the Authorising Officer as well, in their Applications Court to seek judicial approval.

The original RIPA authorisation or notice should be shown to the Magistrate but will be retained by the local authority so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal. The court may wish to take a copy.

In addition, the local authority will provide the Magistrate with a partially completed judicial application/order form.

The investigating officer will be required to provide a brief summary of the circumstances of the case on the judicial application form, this is supplementary to and does not replace the need to supply the original RIPA authorisation as well as this forms the basis of the application for judicial approval.

This procedure, seeking judicial approval is necessary for all authorisations / applications and again for all renewals.

Once judicial approval has been given, bring back a copy of the signed court order and ensure that a copy of it is provided to the Responsible Officer (Verina Wenham) for it to be kept on the Central Register.

The magistrate may decide to:

**Approve the grant or renewal of an authorisation or notice.**

The grant or renewal of the RIPA authorisation or notice will then take effect and the local authority may proceed to use the technique in that particular case.

**Refuse to approve the grant or renewal of an authorisation or notice.**

The RIPA authorisation or notice will not take effect and the local authority may not use the technique in that case.

Where an application has been refused the local authority may wish to consider the reasons for that refusal. For example, a technical error in the form may be remedied without the local authority going through the internal authorisation process again. The local authority may then wish to reapply for judicial approval once those steps have been taken.

Once determined at Court:

## **APPENDIX B**

The authorising officer for the surveillance must retain a copy of the original authorisation form and monitor this for review, renewal and cancellation. The authorising officer is responsible for ensuring that the Responsible Officer provided with all forms in a timely manner so that a central record can be held.

Each authorisation is provided with a unique number by the Responsible Officer giving each authorisation a unique identification number using a standard, consistent format. The original authorisation should be kept on the investigation file.