**APPLICATION TO A MAGISTRATE/ JUSTICE OF THE PEACE (JP) SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE**

Local authority investigator wants to use a RIPA technique (e.g. directed surveillance, CHIS (covert human intelligence source) or communications data)

Does investigator intend to use directed surveillance?

* Complete RIPA authorisation/notice form and seek approval of authorising officer
* Complete application part of the judicial application/order form for JP

**Outside usual office hours:**

A JP may consider an authorisation out of hours in exceptional circumstances. If the authorisation is urgent and cannot be handled the next working day, then you should:

* Phone the court’s out of hours HMCTS legal staff contact. You will be asked about the basic facts and urgency of the authorisation. If the police are involved in the investigation you will need to address why they cannot make a RIPA authorisation
* If urgency is agreed, then arrangements will be made for a suitable JP to consider the application. You will be told where to attend and give evidence.
* Attend hearing as directed with two copies of both the countersigned RIPA authorisation form or notice and the accompanying judicial application/order form

NOO

YES

Is the local authority investigating an offence and does that offence attract a maximum custodial sentence of 6 months or more?

**Within Office House**

Local authority investigator to contract His Majesty’s Courts & Tribunals Service (HMCTS) administration at the Magistrates’ Court to arrange a hearing

The grant or renewal of the RIPA authorisation or notice will not take effect and the local authority may not use the covered technique. Local authority may wish to address, for example, a technical error and reapply

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

YES

Is this offence being investigated either:

* Section 146/147/147A of the Licensing Act 2023, or
* Section 7 of the Children and Young Persons Act 1993

NO

YES

Refuse to approve the grant or renewal and quash the authorisation or notice as the case progresses

Approve the grant or renewal of an authorisation or notice

Investigator may not use directed surveillance. The case should be investigated by other means. Continue to assess if threshold is met if further offences come to light as the case progresses

Outcome

**Attend court with:**

* RIPA authorisation
* The accompanying judicial application/order form
* Any other relevant material

NO

Technique may be used in this case. Investigator to resubmit to the JP any renewal or authorisation for the use of a different technique in this case.

This may be appropriate if the JP considers that an application is fundamentally flawed. The local authority must be given at least 2 business days in which to make representations before the authorisation is quashed. In these circumstances a local authority cannot use the technique and will need to seek fresh authorisation internally before reapplying