

Sections 26 and 111 – Operating the alternative approvals process for Targeted Interception

1. Where the requirement for the approval of a warrant application under this section is urgent and the **Prime Minister is unavailable (due to medical incapacity and/or a lack of access to secure communications)**, an alternative approvals process may be used whereby a Secretary of State designated for this purpose by the Prime Minister can perform this function instead of the Prime Minister.
2. **The Prime Minister should be informed of any decisions made under the alternative approvals process as soon as is reasonably practicable.**
3. **Urgency** is determined by whether it would be reasonably practicable to seek the Prime Minister's approval to issue the warrant in the time available to meet an operational or investigative need. Accordingly, urgent warrants can authorise interception and/or equipment interference when issued with approval via the alternative approvals process, by a Secretary of State designated for this purpose by the Prime Minister. All reasonable steps should be taken to avoid an expected warrant submission from becoming urgent.
4. Urgent Warrants should fall into one or both of the following categories:
 - 4.1. Imminent threat to life or serious harm – for example, if an individual has been kidnapped and it is assessed that their life is in imminent danger.
 - 4.2. An intelligence-gathering or investigative opportunity with limited time to act.
5. This paragraph applies where an authorisation has been assessed to be urgent by the warrant requesting agency and it has been confirmed that the Prime Minister will be unavailable to consider the application due to unavoidable circumstances. In such circumstances, when seeking authorisation from the Secretary of State designated by the Prime Minister, the Senior Official for the warrant granting department must explain the case for utilising the alternative process, either in writing or orally, to the designated Secretary of State who will provide the authorisation on the Prime Minister's behalf.
6. **Prime Ministerial unavailability** is limited to two circumstances, as defined by the Act:
 - 6.1. **The Prime Minister is in a location where they are unable to receive the warrant application due to the security requirements and classification of the documents.**
 - 6.2. **The Prime Minister is medically incapacitated and therefore unable to consider the warrant.**

7. Deputies may only be appointed if they hold the position of Secretary of State. The appointment is non-transferable to other roles. For example, if the Secretary of State for the Home Department takes up a new position as the Secretary of State for Foreign, Commonwealth and Development Affairs, they must be formally reappointed as a deputy for the purposes of providing the necessary approvals.
- 7.1. When appointing deputies, the Prime Minister must consider whether an appointee would have the **necessary operational awareness** of the warrantry process in order to carry out the role. The Act provides that up to five Secretaries of State may be designated as alternative approvers, in order to allow for Secretary of State unavailability as the Secretary of State who provided the initial authorisation could not also deputise for the Prime Minister.
- 7.2. **Necessary operational awareness** should be understood to mean that the Secretary of State has received a briefing on the operation of the warrantry process and legal requirements by officials responsible for warrantry in a warrant granting department. This briefing should mirror the briefing which is provided to new Secretaries of State in warrant granting departments which enables them to undertake the warrantry aspects of their roles.
- 7.3. A system should be established with the agreement of the Prime Minister to set out how the appropriate alternative approver will be selected (for example, on the basis of Cabinet hierarchy, or through a formal rota).