



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Authorisation of surveillance and human intelligence sources

5 Lawful surveillance etc

- (1) Conduct to which this Act applies shall be lawful for all purposes if—
 - (a) an authorisation under this Act confers an entitlement to engage in that conduct on the person whose conduct it is; and
 - (b) that person's conduct is in accordance with the authorisation.
- (2) A person shall not be subject to any civil liability in respect of any conduct of that person which—
 - (a) is incidental to any conduct that is lawful by virtue of subsection (1) above; and
 - (b) is not itself conduct an authorisation or warrant for which is capable of being granted under a relevant enactment and might reasonably have been expected to have been sought in the case in question.
- (3) In this section "relevant enactment" means—
 - (a) an enactment contained in this Act; or
 - (b) an enactment contained in Part III of the Police Act 1997 (c. 50) (authorisation of interference with property and wireless telegraphy) insofar as relating to a police force.