

*These notes relate to the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) which received Royal Assent on 28 September 2000*

# **REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000**

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## **EXPLANATORY NOTES**

### **THE ACT**

3. The main purpose of the Act is to ensure that the relevant investigatory powers are used in accordance with human rights. Those powers are:
  - intrusive surveillance (in relation to residential premises/private vehicles);
  - covert surveillance in the course of specific operations;
  - the use of covert human intelligence sources (agents, informants, undercover officers).
4. For each of those powers, the Act ensures that the law clearly covers:
  - the purposes for which they may be used;
  - which authorities can use the powers;
  - who should authorise each use of the power;
  - independent judicial oversight;
  - a means of redress for the individual.
5. Not all of these matters need to be dealt with in this Act – in many cases existing legislation already covers the ground. The Act will work in conjunction with existing legislation, in particular the Police Act 1997, the Human Rights Act 1998 and the [Regulation of Investigatory Powers Act 2000 \(2000 c.23\)](#) which regulates the use of investigatory powers across the United Kingdom, including Scotland.
6. The Act creates a system of authorisations for various types of surveillance and the conduct and use of covert human intelligence sources. The Act regulates the use of these techniques and safeguards the public from unnecessary invasions of their privacy. The provisions themselves do not impose a requirement on the public authorities to seek or obtain an authorisation where, under the Act, one is available (see section 30). Nevertheless, the consequences of not obtaining an authorisation under this Act may be, where there is an interference with Article 8 rights and there is no other source of authority, that the action is unlawful by virtue of section 6 of the Human Rights Act 1998. The Act will work in conjunction with existing legislation, in particular the Police Act 1997, the Human Rights Act 1998 and the [Regulation of Investigatory Powers Act 2000 \(2000 c.23\)](#) which regulates the use of investigatory powers across the United Kingdom, including Scotland.