

*Draft Order laid before the Scottish Parliament under section 24(9) of the Regulation of Investigatory Powers (Scotland) Act 2000 for approval by resolution of the Scottish Parliament*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

**INVESTIGATORY POWERS**

**The Regulation of Investigatory Powers (Equipment Interference – Code of Practice) (Scotland) Order 2018**

*Made* - - - - 2018  
*Coming into force* - - 1st September 2018

The Scottish Ministers make the following Order in exercise of the powers conferred by section 24(5) of the Regulation of Investigatory Powers (Scotland) Act 2000(1) (“the Act”) and all other powers enabling them to do so.

The Scottish Ministers have in accordance with:

- (a) section 24(3) of the Act prepared a draft code of practice relating to equipment interference issued under Part 5 of the Investigatory Powers Act 2016(2);
- (b) section 24(3) of the Act published that draft code of practice and considered any representations made to them about that draft; and
- (c) section 24(4) of the Act laid that draft code of practice before the Scottish Parliament.

In accordance with section 24(9) of the Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament(3).

**Citation and commencement**

1. This Order may be cited as the Regulation of Investigatory Powers (Equipment Interference – Code of Practice) (Scotland) Order 2018 and comes into force on 1st September 2018.

**Code of practice – Equipment Interference**

2.—(1) This article applies to the code of practice entitled “Equipment Interference” which—

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(1) 2000 asp 11. Section 24 has been amended by paragraph 15 of schedule 7 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) and paragraph 92 of schedule 10 of the Investigatory Powers Act 2016 (c.25).  
(2) 2016 c.25.  
(3) Section 24(9) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

- (a) relates to the exercise and performance of powers and duties conferred and imposed on the Police Service and the Police Investigations and Review Commissioner by and under Part 5 of the Investigatory Powers Act 2016 in relation to equipment interference; and
  - (b) was issued by the Scottish Ministers on 11th December 2017.
- (2) The code of practice comes into force on 1st September 2018.

St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the code of practice issued under section 24 of the Regulation of Investigatory Powers (Scotland) Act 2000 in respect of the use of equipment interference under Part 5 of the Investigatory Powers Act 2016 by the Police Service and the Police Investigations and Review Commissioner. A person carrying out a function to which the code applies must, in doing so, have regard to the provisions of the code to the extent that they are applicable.