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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 343**

**INVESTIGATORY POWERS**

**The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000**

*Made* - - - - 29th September 2000  
*Laid before the Scottish Parliament* - - - - 29th September 2000  
*Coming into force* - - 2nd October 2000

The Scottish Ministers, in exercise of the powers conferred on them by sections 8(1), 9(3) and 28(4) of the Regulation of Investigatory Powers (Scotland) Act 2000<sup>(1)</sup>, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000 and shall come into force on 2nd October 2000.

(2) In this Order “the 2000 Act” means the Regulation of Investigatory Powers (Scotland) Act 2000.

**Prescribed offices etc.**

2.—(1) The offices, ranks and positions listed in column 2 of the Schedule to this Order (being offices, ranks or positions with the relevant public authorities in column 1) are hereby prescribed for the purposes of section 8(1) (persons entitled to grant authorisations under sections 6 and 7) of the 2000 Act.

(2) Subject to paragraph (3), where an office, rank or position with a relevant public authority is prescribed by virtue of paragraph (1), all more senior offices, ranks or positions with that authority are also prescribed.

(3) Where an office, rank or position with a relevant public authority is described in column 2 by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (2) to all more senior offices, ranks or positions with that public authority is a reference to all more senior offices, ranks or positions in that agency, unit, branch, division or part.

### **Additional offices etc. prescribed for urgent cases**

3.—(1) The additional offices, ranks and positions listed in column 3 of the Schedule to this Order (being offices, ranks or positions with the relevant public authorities in column 1) are hereby prescribed for the purposes of section 8(1) of the 2000 Act, for the cases described in this article.

(2) An individual holding an office, rank or position which is prescribed by virtue of paragraph (1) may only grant an authorisation where it is not reasonably practicable having regard to the urgency of the case for the application to be considered by an individual in the same authority holding an office, rank or position listed in column 2.

(3) Where an office, rank or position with a relevant public authority is described in column 2 by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (2) to an individual in the same authority is a reference to an individual in that agency, unit, branch, division or part.

St Andrew's House,  
Edinburgh  
29th September 2000

*ANGUS MacKAY*  
Authorised to sign by the Scottish Ministers

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## SCHEDULE

Articles 2 and 3

Prescriptions for public authorities which are relevant  
public authorities for the purposes of sections 6 and 7

<i>(1)</i> <i>Relevant public Authorities</i>	<i>(2)</i> <i>Prescribed offices etc.</i>	<i>(3)</i> <i>Urgent cases</i>
A police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967(2)	Superintendent	Inspector
The Scottish Crime Squad	Superintendent	Inspector
The Scottish Administration	<p>Scottish Executive Rural Affairs Department</p> <p><i>Agricultural Staff and the Scottish Agricultural Science Agency: Senior Agricultural Officer; Senior Horticultural Officer; Senior Marketing Officer (Horticulture)</i></p> <p><i>Eggs and Poultry Marketing Officers: Senior Agricultural Officer (Poultry)</i></p> <p><i>Meat and Livestock Inspector: Meat and Livestock Inspector</i></p> <p><i>Scottish Fisheries Protection Agency: Area Manager</i></p> <p>Scottish Executive Health Department</p> <p><i>Welfare Foods: Health Department Director</i></p> <p>Scottish Executive Justice Department</p> <p><i>Accountant in Bankruptcy: The Accountant in Bankruptcy</i></p> <p><i>Scottish Prison Service: Governor-in-Charge</i></p> <p><i>Contracted out prisons: the controller appointed under section 107(1)(b) of the Criminal Justice and Public Order Act 1994(3)</i></p>	Deputy Governor

(2) 1967 c. 77.

(3) 1994 c. 33.

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<i>(1)</i> <i>Relevant public Authorities</i>	<i>(2)</i> <i>Prescribed offices etc.</i>	<i>(3)</i> <i>Urgent cases</i>
A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 <sup>(4)</sup>	Scottish Executive Enterprise and Lifelong Learning Department <i>Innovation and Support:</i> member of the Senior Civil Service Assistant Head of Service; Investigation Manager	
The Common Services Agency for the Health Service	<i>Fraud Investigation Unit:</i> Head of Unit	
A health board	Chief Executive	
A special health board	General Manager; Chief Executive	
A National Health Service Trust established under section 12A of the National Health Service (Scotland) Act 1978 <sup>(5)</sup>	General Manager	
The Scottish Environment Protection Agency	Director; Divisional Manager; Regional Scientist; Head of Policy Co ordination	

## EXPLANATORY NOTE

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

This Order prescribes offices, ranks and positions for the purposes of section 8(1) of the [Regulation of Investigatory Powers \(Scotland\) Act 2000 \(asp 11\)](#) (“the 2000 Act”), under which individuals holding such offices, ranks or positions are designated persons for the purposes of granting authorisations under sections 6 and 7 of the 2000 Act.

An individual holding an office, rank or position listed in column 2 of the Schedule to the Order with a relevant public authority listed in column 1, or a more senior office, rank or position may grant authorisations under either section 6 for directed surveillance or section 7 for covert human intelligence sources (article 2).

<sup>(4)</sup> 1994 c. 39.

<sup>(5)</sup> 1978 c. 29; section 12A was inserted by the National Health Service and Community Care Act 1990 (c. 19), section 31 and amended by the Health Act 1999 (c. 8), section 46.

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Additional offices, ranks and positions are prescribed for urgent cases (article 3).