

## SCHEDULE 1

Article 2

### FUNCTIONS TO BE TREATED AS BEING EXERCISABLE IN OR AS REGARDS SCOTLAND

#### Functions under the 2000 Act

1.—(1) Without prejudice to paragraph 2 of Schedule 1 to the 2000 Order the functions of the Secretary of State under section 5 of the 2000 Act (interception with a warrant) are, for the purposes of section 63 of the 1998 Act, to be treated as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) or (3) below.

(2) The class of case mentioned in this sub-paragraph constitutes any case where the warrant under section 5 of the 2000 Act—

- (a) authorises or requires the person to whom it is addressed to secure the making of a request in accordance with paragraph (b) of section 5(1), or a request in accordance with that paragraph and disclosure in accordance with section 5(1)(d); and
- (b) the warrant is issued on an application made by or on behalf of—
  - (i) the chief constable of any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967(1); or
  - (ii) the Commissioners of Customs and Excise for the purpose of preventing or detecting serious crime in Scotland.

(3) The class of case mentioned in this sub-paragraph constitutes any case where the warrant under section 5 of the 2000 Act—

- (a) authorises or requires the person to whom it is addressed to secure the provision of assistance in accordance with paragraph (c) of section 5(1), or the provision of assistance in accordance with that paragraph and disclosure in accordance with section 5(1)(d); and
- (b) names or describes, in accordance with section 8(1), a person who is, or a set of premises which is (or, in either case, is reasonably believed by the Secretary of State to be) located in Scotland at the time when the warrant is issued.

2.—(1) Without prejudice to paragraph 3 of Schedule 1 to the 2000 Order the functions of the Secretary of State under sections 9(1)(b) and (3), 10(1)(a) and (2) and 15(1) of the 2000 Act (duration, cancellation, modification and renewal of warrants etc. and general safeguards) are, for the purposes of section 63 of the 1998 Act, to be treated as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) below.

(2) The class of case mentioned in this sub-paragraph constitutes any case where—

- (a) the function is exercisable in relation to a warrant issued under section 5 of the 2000 Act; and
- (b) the function of issuing such a warrant is, under paragraph 1 above, to be treated for the purposes of section 63 of the 1998 Act as a case where the function is, for those purposes, treated as being exercisable in or as regards Scotland.

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(1) 1967 c. 77. Section 1(1) was substituted by the Local Government (Scotland) Act 1973 (c. 65), section 146(2) and amended by the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 71.