

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.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Covert Human Intelligence Sources – Code of Practice) (Scotland) Order 2018

Made - - - - 2018

Coming into force - - 28th February 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:

- (a) under section 24(7) of the Act, revised the code of practice relating to covert human intelligence sources issued under the Act;
- (b) prepared and published a draft of the revised code of practice and considered any representations made to them about that draft in accordance with sections 24(3) and 24(8) of the Act; and
- (c) laid that draft revised code of practice before the Scottish Parliament in accordance with sections 24(4) and section 24(8) of the Act.

In accordance with section 24(9) of the Act(2), a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Covert Human Intelligence Sources – Code of Practice) (Scotland) Order 2018 and comes into force on 28th February 2018.

(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) Section 24(9) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Revised code of practice – Covert Human Intelligence Sources

2.—(1) This article applies to the code of practice entitled “Covert Human Intelligence Sources” which—

(a) relates to the exercise and performance of powers and duties conferred and imposed by and under the Regulation of Investigatory Powers (Scotland) Act 2000 in relation to the use of covert human intelligence sources; and

(b) was issued by the Scottish Ministers on 11th December 2017.

(2) The code of practice comes into force on 28th February 2018.

Revocation

3. The Regulation of Investigatory Powers (Covert Human Intelligence Sources – Code of Practice) (Scotland) Order 2015(3) is revoked.

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 revised code of practice issued under section 24 of the Regulation of Investigatory Powers (Scotland) Act 2000 relating to the conduct and use of covert human intelligence sources authorised under that Act. 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.

The revised code of practice replaces the code of practice on covert human intelligence sources issued by the Scottish Ministers on 28th November 2014 and brought into force on 2nd February 2015.