

**2009 No. 340**

**INVESTIGATORY POWERS**

**The Regulation of Investigatory Powers (Prescription of Offices,  
Ranks and Positions) (Scotland) Amendment Order 2009**

*Made* - - - - *6th October 2009*  
*Laid before the Scottish Parliament* *7th October 2009*  
*Coming into force* - - *30th November 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 8(1) of the Regulation of Investigatory Powers (Scotland) Act 2000<sup>(a)</sup>, s.102(1) of the Police, Public Order and Criminal Justice (Scotland) Act 2006<sup>(b)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2009 and comes into force on 30th November 2009.

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

2. In the Schedule to the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000<sup>(c)</sup>, in column 2 opposite the entry for the Scottish Administration—

- (a) omit the entries—
  - (i) “Scottish Executive Rural Affairs Department”;
  - (ii) “*Agricultural Staff and the Scottish Agricultural Science Agency: Senior, Agricultural Officer; Senior Horticultural Officer; Senior Marketing Officer (Horticulture)*”;
  - (iii) “*Eggs and Poultry Marketing Officers: Senior Agricultural Officer (Poultry)*”; and
  - (iv) “*Meat and Livestock Inspector: Meat and Livestock Inspector*”;
- (b) for “*Scottish Fisheries Protection Agency: Area Manager*” substitute “*Marine Scotland: Chief of Enforcement Unit*”;
- (c) omit “Scottish Executive Health Department”;

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(a) 2000 asp 11.

(b) 2006 asp 10.

(c) S.S.I. 2000/343, as amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10) schedule 6, paragraph 14, and S.S.I. 2001/87, 2003/50 and 2006/466.

- (d) for “*Welfare Foods: Health Department Director*” substitute “*Chief Medical Officer and Public Health Directorate: Deputy Director*”;
- (e) omit “Scottish Executive Justice Department”;
- (f) omit “Scottish Executive Enterprise and Lifelong Learning Department”; and
- (g) for “*Innovation and Support: member of the Senior Civil Service*” substitute “*Transport Scotland: Director*”.

**Revocation**

3. The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001(a) is revoked.

St Andrew’s House,  
Edinburgh  
6th October 2009

*KENNY MACASKILL*  
A member of the Scottish Executive

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(a) S.S.I. 2001/87.

## EXPLANATORY NOTE

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

This Order amends the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000 (“the 2000 Order”) which 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.

Article 2 (other than paragraph (a)) amends the 2000 Order to reflect internal organisational changes made within the Scottish Administration. Paragraph (a) of article 2 removes the designations of various offices in the former Scottish Executive Rural Affairs Department, which has the effect that those offices are no longer able to exercise powers under sections 6 and 7 of the 2000 Act to authorise directed surveillance or the conduct or use of covert human intelligence sources respectively.

Article 3 revokes the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001 (S.S.I. 2001/87). That Order made an amendment to the 2000 Order which has itself now been superseded by an amendment made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 11) to the 2000 Order. The Order being revoked by this Order is therefore spent.

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