

**EXECUTIVE NOTE**  
**THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF**  
**OFFICES, RANKS AND POSITIONS) (SCOTLAND) AMENDMENT ORDER**  
**2009 S.S.I 2009/ 340 )**

The above instrument was made in exercise of the powers conferred by section 8 of the **Regulation of Investigatory Powers (Scotland) Act 2000** and section 102(1) of the **Police, Public Order and Criminal Justice (Scotland) Act 2006**. The instrument is subject to negative resolution procedure.

**Policy Objectives**

The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000/343 contains a schedule of Scottish public authorities who may authorise directed surveillance and the use of Covert Human Intelligence Sources (CHIS) in accordance with the arrangements set out in section 6 and 7, respectively, of the Regulation of Investigatory Powers (Scotland) Act 2000.

The policy objective of this instrument is to amend the Schedule of SSI 2000/343 to take account of the recent organisational restructuring of the Scottish Government which resulted in the Scottish Fisheries Protection Agency being incorporated within the newly formed Marine Scotland.

The opportunity has been taken to review the other scheduled Scottish Government entries to ensure they remain fit for purpose. As a consequence, the instrument will remove the offices within Environment Directorate from the schedule. This will effectively decrease the number of areas within the Scottish Government prescribed by the Regulation of Investigatory Powers (Scotland) Act 2000 to carry out directed surveillance and the use of CHIS. The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001 is revoked as the change it made has since been superseded by provision made in the Police, Public Order and Criminal Justice (Scotland) Act 2006.

**Consultation**

The following bodies have been consulted during the preparation of the instrument

Rural Payments and Inspections Directorate  
Chief Medical Officer and Public Health Directorate  
Marine Scotland  
The Accountant in Bankruptcy  
Scottish Prison Service  
Transport Scotland  
Scottish Government Legal Directorate Group 1

## **Financial Effects**

The instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Justice & Communities  
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