
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 350

**The Regulation of Investigatory Powers
(Prescription of Offices, etc. and Specification
of Public Authorities) (Scotland) Order 2010**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 and comes into force on 29th November 2010.

(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 Schedule 1 to this Order (being offices, ranks or positions with the relevant public authorities in column 1) are prescribed for the purposes of section 8(1) of the 2000 Act.

(2) Subject to paragraph (3), where an office, rank or position with a relevant public authority is listed in column 2 of Schedule 1 to this Order, 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 of Schedule 1 to this Order 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 offices, ranks and positions listed in column 3 of Schedule 1 to this Order (being offices, ranks or positions with the relevant public authorities listed in column 1) are prescribed for the purposes of section 8(1) of the 2000 Act, but only for the cases described in this article.

(2) An individual holding an office, rank or position which is listed in column 3 of Schedule 1 to this Order 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 who holds 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 of Schedule 1 to this Order 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of the 2000 Act

4. In section 8(3) (persons entitled to grant authorisations under sections 6 and 7) of the 2000 Act omit paragraphs (d) to (g).

Revocation

5. The Orders specified in Schedule 2 to this Order are revoked.

St Andrew's House,
Edinburgh
29th September 2010

KENNY MACASKILL
A member of the Scottish Executive