

2015 No. 34

INVESTIGATORY POWERS

**The Regulation of Investigatory Powers (Covert Surveillance
and Property Interference – Code of Practice) (Scotland) Order
2015**

Made - - - - 27th January 2015

Coming into force - - 2nd February 2015

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(a) (“the Act”) and all other powers enabling them to do so.

The Scottish Ministers have in accordance with:

(1) section 24(7) of the Act prepared a draft revised code of practice relating to covert surveillance under the Act and interference with property or wireless telegraphy under Part III of the Police Act 1997(b);

(2) section 24(3) of the Act, published that draft revised code of practice and considered any representations made to them about that draft; and

(3) section 24(4) of the Act laid that draft revised code of practice before the Scottish Parliament.

In accordance with section 24(9) of the Act, 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 Surveillance and Property Interference – Code of Practice) (Scotland) Order 2015 and comes into force on 2nd February 2015.

Revised code of practice

2.—(1) This article applies to the code of practice entitled “Covert Surveillance and Property Interference” which—

(a) relates to the exercise and performance of the powers and duties conferred and imposed by and under the Regulation of Investigatory Powers (Scotland) Act 2000 and Part III of

(a) 2000 asp 11. Section 24 has been amended by schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act 2000 (asp 10) and schedule 7 to the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(b) 1997 c.50.

the Police Act 1997 in relation to covert surveillance and interference with property or wireless telegraphy; and

(b) was issued by the Scottish Ministers on 28th November 2014.

(2) The code of practice comes into force on 2nd February 2015.

Revocation

3. The Regulation of Investigatory Powers (Covert Surveillance – Code of Practice) (Scotland) Order 2003(a) is revoked.

St Andrew's House,
Edinburgh
27th January 2015

MICHAEL MATHESON
A member of the Scottish Government

(a) S.S.I. 2003/183.

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 covert surveillance authorised under that Act and interference with property or wireless telegraphy under Part III of the Police Act 1997. 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 surveillance issued by the Scottish Ministers on 30th January 2003 and brought into force on 11th March 2003.

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