

## SCHEDULE

### PART 1

#### MODIFICATIONS OF PUBLIC GENERAL ACTS

##### *Regulation of Investigatory Powers Act 2000 (c. 23)*

- 4.—(1) The Regulation of Investigatory Powers Act 2000 is modified as follows.
- (2) In section 6(2) (application for issue of an interception warrant) after paragraph (d)(1) there is inserted—
- “(da) the Director General of the Scottish Crime and Drug Enforcement Agency;”.
- (3) In section 17(3) (exclusion of matters from legal proceedings) after paragraph (c)(2) there is inserted—
- “(ca) any member of the Scottish Crime and Drug Enforcement Agency;”.
- (4) In section 19(2)(3) (unauthorised disclosures) after paragraph (c) there is inserted—
- “(ca) every member of the Scottish Crime and Drug Enforcement Agency;”.
- (5) In section 25(1) (interpretation) in the definition of “relevant public authority”, after paragraph (b)(4) there is inserted—
- “(ca) the Scottish Crime and Drug Enforcement Agency;”.
- (6) In section 33 (rules for grant of authorisations)—
- (a) after subsection (1A)(5) there is inserted—
- “(1B) A person who is a designated person for the purposes of section 28 or 29 by reference to his office, rank or position with the Scottish Crime and Drug Enforcement Agency shall not grant an authorisation under that section except on an application made by a police member of the Agency.”; and
- (b) in subsection (5)(a)(6) after “Agency” there is inserted “or a member of the Scottish Crime and Drug Enforcement Agency”.
- (7) In section 45(6)(7) (cancellation of authorisations)—
- (a) at the end of paragraph (b) omit “and”; and
- (b) after paragraph (c) there is inserted
- “; and
- (ca) in relation to the Director General of the Scottish Crime and Drug Enforcement Agency, to the Deputy Director General of that Agency;”.
- (8) In section 49(1)(e)(8) (notices requiring disclosure) after “SOCA” (in both places) there is inserted “, SCDEA”.

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- (1) Section 6(2)(d) was amended by the 2005 Act, Schedule 4, paragraph 132(2).
- (2) Section 17(3)(c) and (d) as substituted by the 2005 Act, Schedule 4, paragraph 133(1).
- (3) Section 19(2)(c) and (d) as substituted by the 2005 Act, Schedule 4, paragraph 134(1).
- (4) Paragraphs (b) and (c) were substituted by the 2005 Act, Schedule 4, paragraph 135(2).
- (5) Section 33(1A) was inserted by the 2005 Act, Schedule 4, paragraph 137(3).
- (6) Section 33(5)(a) was amended by the Enterprise Act 2002 (c. 40), section 199(4); and the 2005 Act, Schedule 4, paragraph 137(6).
- (7) Section 45(6) was amended by the 2005 Act, Schedule 4, paragraph 143.
- (8) Section 49(1)(e) was amended by the 2005 Act, Schedule 4, paragraph 145.

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- (9) In section 51(9) (cases in which key required)–
- (a) in subsection (2)–
- (i) after “SOCA,” there is inserted “SCDEA,”; and
- (ii) after paragraph (aa) there is inserted–
- “(ab) in the case of a direction by SCDEA, except by or with the permission of the Director General of the Scottish Crime and Drug Enforcement Agency;”;
- (b) in subsection (3) after “Agency,” there is inserted “the Director General of the Scottish Crime and Drug Enforcement Agency,”; and
- (c) in subsection (6) after “Agency,” there is inserted “by the Director General of the Scottish Crime and Drug Enforcement Agency,”.
- (10) In section 54(3)(10) (tipping off) after “SOCA,” (in both places) there is inserted “SCDEA,”.
- (11) In section 55 (duties of specified authorities)–
- (a) in subsection (1) after paragraph (ba)(11) there is inserted–
- “(bb) the Director General of the Scottish Crime and Drug Enforcement Agency;”;
- and
- (b) after subsection (3A)(12) there is inserted–
- “(3B) Paragraph 6(2) of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#) does not apply in relation to the duties of the Director General of the Scottish Crime and Drug Enforcement Agency under this section.”.
- (12) In section 56(1)(13) (interpretation)–
- (a) in paragraph (a) of the definition of “the police” after “Agency” there is inserted “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”; and
- (b) after the definition of “protected information” there is inserted–
- ““SCDEA” means the Scottish Crime and Drug Enforcement Agency;”.
- (13) In section 58(1)(14) (co operation with Commissioner) after paragraph (b) there is inserted–
- “(ba) every member of the Scottish Crime and Drug Enforcement Agency,”.
- (14) In section 65(6)(d)(15) (the Tribunal) after “Agency;” there is inserted–
- “(da) the Scottish Crime and Drug Enforcement Agency;”.
- (15) In section 68(7)(16) (disclosure to the Tribunal) after paragraph (b) there is inserted–
- “(ba) every member of the Scottish Crime and Drug Enforcement Agency;”.
- (16) Paragraph (c) of the definition of “United Kingdom officer” in subsection (11) of section 76A (as substituted by paragraph 8 of schedule 6 to the Act) has effect in relation to the reference in subsection (1)(c) of that section to a United Kingdom officer carrying out surveillance in the United Kingdom in accordance with an authorisation under Part 2 as it has effect in relation to the reference in subsection (1)(c) to such an officer carrying out such surveillance in accordance with an authorisation under the Regulation of Investigatory Powers (Scotland) Act 2000.

(9) Section 51 was amended by the 2005 Act, Schedule 4, paragraph 146.

(10) Section 54(3) was amended by the 2005 Act, Schedule 4, paragraph 147.

(11) Section 55(1)(ba) was inserted by the 2005 Act, Schedule 4, paragraph 148(2).

(12) Section 55(3A) was inserted by the 2005 Act, Schedule 4, paragraph 148(3).

(13) Section 56(1) was amended by the 2005 Act, Schedule 4, paragraph 149.

(14) Section 58(1)(b) and (c) as substituted by the 2005 Act, Schedule 4, paragraph 150.

(15) Section 65(6)(d) and (e) as substituted by the 2005 Act, Schedule 4, paragraph 151.

(16) Section 68(7)(b) and (c) as substituted by the 2005 Act, Schedule 4, paragraph 152.

(17) In section 76A(11)(17) (foreign surveillance operations), for paragraph (c) of the definition of “United Kingdom officer” there is substituted—

“(c) a police member of the Scottish Crime and Drug Enforcement Agency appointed by virtue of paragraph 7 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#).”

(18) In Schedule 1(18) (relevant public authorities) after paragraph 2 there is inserted—

“**2A.** The Scottish Crime and Drug Enforcement Agency”.

(19) In Schedule 2(19) (persons having appropriate permission)—

(a) in paragraph 2(3) and (5), after “SOCA” there is inserted “, SCDEA”;

(b) in paragraph 4(2)(20) after “SOCA,” (in each place) there is inserted “SCDEA,”;

(c) in paragraph 5(3)(b)(21) after “SOCA” there is inserted “, SCDEA”; and

(d) in paragraph 6(22)—

(i) after sub paragraph (3A) there is inserted—

“(3B) A member of the Scottish Crime and Drug Enforcement Agency does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless—

(a) he is of or above the rank of superintendent; or

(b) permission to give a section 49 notice in relation to that information has been granted by the Director General of that Agency;”;

(ii) in sub paragraph (6), after “Serious Organised Crime Agency” there is inserted “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”.

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(17) Section 76A was inserted by the Crime (International Co operation) Act 2003 (c. 32), section 83; and amended by the 2005 Act, Schedule 4, paragraph 154.

(18) Paragraph 2 of Schedule 1 was substituted by the 2005 Act, Schedule 4, paragraph 155(1).

(19) Paragraph 2 of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(2).

(20) Paragraph 4(2) of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(3).

(21) Paragraph 5(3)(b) of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(4).

(22) Paragraph 6 of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(5).