



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Chief Surveillance Commissioner

21 Functions of Chief Surveillance Commissioner

- (1) Subject to subsection (4) below, the Chief Surveillance Commissioner shall keep under review the exercise and performance, by the persons on whom they are conferred or imposed, of the powers and duties conferred or imposed by or under this Act.
- (2) The Chief Surveillance Commissioner may require any ordinary Surveillance Commissioner to provide assistance in the carrying out of the former's functions under subsection (1) above, and that assistance may include—
 - (a) the conduct on behalf of the Chief Surveillance Commissioner of the review of any matter; and
 - (b) the making of a report to the Chief Surveillance Commissioner about the matter reviewed.
- (3) The Chief Surveillance Commissioner shall give the Tribunal all such assistance (including the opinion of that Commissioner as to any issue falling to be determined by the Tribunal) as is appropriate—
 - (a) in connection with the investigation of any matter by the Tribunal; or
 - (b) otherwise for the purposes of the Tribunal's consideration or determination of any matter.
- (4) It shall not be the function of the Chief Surveillance Commissioner to keep under review the exercise of any power of the Scottish Ministers to make, amend or revoke any subordinate legislation.

22 Co-operation with and reports by Commissioner

- (1) It shall be the duty of—
 - (a) every person by whom, or on whose application, there has been granted any authorisation the grant of which is subject to review by the Chief Surveillance Commissioner;

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- (b) every person who holds or has held any office, rank or position with the same public authority as a person falling within paragraph (a) above;
 - (c) every person who has engaged in any conduct with the authority of such an authorisation; and
 - (d) every person who holds or has held any office, rank or position with a public authority for whose benefit any such authorisation has been or may be granted,
- to disclose or provide to that Commissioner all such documents and information as that Commissioner may require for the purpose of enabling that Commissioner to carry out that Commissioner's functions under this Act.
- (2) If it at any time appears to the Chief Surveillance Commissioner—
- (a) that there has been a contravention of the provisions of this Act in relation to any matter with which that Commissioner is concerned; and
 - (b) that the contravention has not been the subject of a report made to the Scottish Ministers by the Tribunal,
- that Commissioner shall make a report to the Scottish Ministers with respect to that contravention.
- (3) The Chief Surveillance Commissioner shall make an annual report to the Scottish Ministers with respect to the carrying out of that Commissioner's functions under this Act.
- (4) The Scottish Ministers shall lay before the Scottish Parliament a copy of every annual report made by the Commissioner under subsection (3) above, together with a statement as to whether any matter has been excluded from that copy in pursuance of subsection (5) below.
- (5) If it appears to the Scottish Ministers, after consultation with the Commissioner, that the publication of any matter in an annual report would be contrary to the public interest or prejudicial to—
- (a) the prevention or detection of serious crime; or
 - (b) the continued discharge of the functions of any public authority whose activities include activities that are subject to review by that Commissioner,
- the Scottish Ministers may exclude that matter from the copy of the report as laid before the Parliament.

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