

These notes relate to the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) which received Royal Assent on 28 September 2000

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Authorisation of surveillance and human intelligence sources

Section 5: Lawful surveillance etc.

25. This section provides that all conduct defined in section 1 will be lawful, provided it is carried out in accordance with the authorisation to which it relates.
26. Furthermore, no civil liability will arise out of conduct which is incidental to the authorised conduct. However, this does not apply in the case where the incidental conduct is conduct which itself should have been separately authorised either under this Act or under Part III of the Police Act 1997 (which relates to authorisation of interference with property and wireless telegraphy).