

*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

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Authorisation of surveillance and human intelligence sources*

##### ***Section 11: Rules for grant of authorisations***

41. **Section 11** sets out rules for granting authorisations for surveillance by police forces.
42. *Subsection (1)* provides that a person who is a designated person within a police force for the purposes of section 6 or 7 (which relate respectively to the authorisation of directed surveillance and the authorisation of the conduct and use of covert human intelligence sources) should not grant an authorisation except on an application made by a member of the same police force.
43. *Subsection (2)* restricts an authorisation for intrusive surveillance involving residential premises to being granted only where the premises are within the area of operation of that force. The area of operation is defined in *subsection (5)*.
44. *Subsection (3)* provides that authorisations for the use of intrusive surveillance by the Scottish Crime Squad may be granted by a chief constable of a police force only if the operation relates to premises within the area of operation of that chief constable's police force or, if the operation relates to a vehicle, the operation will begin in that area.
45. *Subsection (3)* enables a single authorisation to combine both an authorisation granted under the Act and an authorisation given by, or on the application of, a member of a police force under Part III of the Police Act 1997 (which relates to the authorisation of interference with property and wireless telegraphy). Nevertheless, subsection (3) also provides that the provisions of the Act or the 1997 Act that are applicable in the case of each of the authorisations shall apply separately in relation to the part of the combined authorisation to which they are applicable.