



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Authorisation of surveillance and human intelligence sources

10 Authorisation of intrusive surveillance

(1) Subject to the following provisions of this Act, [^{F1}any of the persons mentioned in subsection (1A) may grant authorisations for the carrying out of intrusive surveillance.]

[^{F2}(1A) Those persons are—

- (a) the chief constable of every police force,
- (b) the Director General of the Scottish Crime and Drug Enforcement Agency,
- (c) the Deputy Director General of the Scottish Crime and Drug Enforcement Agency.]

(2) No such authorisation shall be granted unless the [^{F3}person] granting it is satisfied—

- (a) that the authorisation is necessary for the purpose of preventing or detecting serious crime; and
- (b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

(3) The matters to be taken into account in considering whether the requirements of subsection (2) above are satisfied in the case of any authorisation shall include whether the information which it is thought necessary to obtain by the authorised conduct could reasonably be obtained by other means.

(4) The conduct that is authorised by an authorisation for the carrying out of intrusive surveillance is any conduct that—

- (a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorisation;
- (b) is carried out in relation to the residential premises specified or described in the authorisation or in relation to the private vehicle so specified or described; and
- (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

Status: Point in time view as at 28/03/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 10. (See end of Document for details)

Textual Amendments

- F1** Words in s. 10(1) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 106(2)(a)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F2** S. 10(1A) inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 106(2)(b)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F3** Words in s. 10(2) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp10\)](#), ss. 101, 104, Sch. 6 para. 9(3)(b); S.S.I. 2007/84, **art. 3(3)**

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