



# Regulation of Investigatory Powers (Scotland) Act 2000

## 2000 asp 11

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

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

- (1) A person who is a designated person for the purposes of section 6 or 7 above by reference to the office, rank or position with [<sup>F1</sup>the Police Service] held by that person shall not grant an authorisation under that section except on an application made by a [<sup>F2</sup>constable of the Police Service].
- [<sup>F3</sup>(2) An authorisation for the carrying out of intrusive surveillance shall not be granted by the chief constable or any other senior officer of the Police Service except on an application by a constable of the Police Service.]
- [<sup>F4</sup>(2A) The Police Investigations and Review Commissioner shall not grant an authorisation for the carrying out of intrusive surveillance except—
- (a) on an application by one of the Commissioner's staff officers; and
  - (b) where the intrusive surveillance is to be carried out in relation to an investigation carried out in pursuance of paragraph (b)(i) of section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006.]
- [<sup>F5</sup>(3) .....
- (4) A single authorisation may combine both—
- (a) an authorisation granted under this Act [<sup>F6</sup>—
    - (i) by, or on the application of, a constable of the Police Service;] and
    - [<sup>F7</sup>(ii) by the Police Investigations and Review Commissioner; or
    - (iii) by, or on the application of, a staff officer of the Police Investigations and Review Commissioner]
  - (b) an authorisation given by, or on the application of, that individual under Part III of the Police Act 1997 (c.50) (authorisation of interference with property and wireless telegraphy) insofar as relating to
    - [<sup>F8</sup>(i) where that individual is a [<sup>F9</sup>constable of the Police Service, the Police Service; or

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(ia) where that individual is the Police Investigations and Review Commissioner or a staff officer of that Commissioner, the Commissioner,]

<sup>F10</sup>( ii )] .....

but the provisions of this 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.

<sup>F11</sup>( 5 ) .....

#### Textual Amendments

- F1** Words in s. 11(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(5\)\(a\)\(i\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F2** Words in s. 11(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(5\)\(a\)\(ii\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F3** S. 11(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(5\)\(b\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F4** S. 11(2A) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(5\)\(c\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F5** S. 11(3) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 8 Pt. 1](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F6** Words in s. 11(4)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(d\)\(i\)\(A\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F7** Words in s. 11(4)(a) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(d\)\(i\)\(B\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F8** Words in s. 11(4)(b) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp10\)](#) , ss. 101, 104, {[Sch. 6 para. 9\(4\)\(c\)\(ii\)](#)}; S.S.I. 2007/84 , [art. 3\(3\)](#)
- F9** Words in s. 11(4)(b)(i) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 15\(5\)\(d\)\(ii\)](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F10** S. 11(4)(b)(ii) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 8 Pt. 1](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )
- F11** S. 11(5) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 8 Pt. 1](#) ; S.S.I. 2013/51 , [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121 )

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 11.