



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Authorisation of surveillance and human intelligence sources

5 Lawful surveillance etc.

- (1) Conduct to which this Act applies shall be lawful for all purposes if—
 - (a) an authorisation under this Act confers an entitlement to engage in that conduct on the person whose conduct it is; and
 - (b) that person's conduct is in accordance with the authorisation.
- (2) A person shall not be subject to any civil liability in respect of any conduct of that person which—
 - (a) is incidental to any conduct that is lawful by virtue of subsection (1) above; and
 - (b) is not itself conduct an authorisation or warrant for which is capable of being granted under a relevant enactment and might reasonably have been expected to have been sought in the case in question.
- (3) In this section “relevant enactment” means—
 - (a) an enactment contained in this Act;
 - [^{F1}(aa) an enactment contained in Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service;] or
 - (b) an enactment contained in Part III of the Police Act 1997 (c.50) (authorisation of interference with property and wireless telegraphy) insofar as relating to [^{F2}the Police Service].

Textual Amendments

- F1** S. 5(3)(aa) inserted (5.12.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 68** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/1246, reg. 3(1)(ii)
- F2** Words in s. 5(3)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 15(2)**; 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 5.