Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Complaints by aggrieved persons

23 Complaints to the Tribunal

(1) In this section, the " Tribunal " means the tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000 (c.23).

(2) A person who is aggrieved by any conduct falling within subsection (3) below which the person believes—

(a) to have taken place in relation to that person or to any property of that person; and

(b) to have taken place in challengeable circumstances,

is entitled to complain to the Tribunal.

(3) Conduct falls within this subsection if (whenever it occurred) it is conduct to which this Act applies.

(4) For the purposes of this section conduct takes place in challengeable circumstances if—

(a) it takes place with the authority, or purported authority, of anything falling within subsection (5) below; or

(b) the circumstances are such that (whether or not there is such authority) it would not have been appropriate for the conduct to take place without it, or at least without proper consideration having been given to whether such authority should be sought.

(5) The following fall within this subsection—

(a) an authorisation under this Act;

(b) an authorisation under section 93 of the Police Act 1997 (c.50) insofar as relating to **[**[F1]the Police Service**][**[F2]or to the Police Investigations and Review Commissioner **]**[F3]....

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 23. (See end of Document for details)*

Textual Amendments

F1 Words in s. 23(5)(b) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8) , s. 129(2) , **Sch. 7 para. 15(11)(a)** ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

F2 Words in s. 23(5)(b) inserted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8) , s. 129(2) , **Sch. 7 para. 15(11)(b)** ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

F3 Words in s. 23(5)(b) repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8) , s. 129(2) , **Sch. 7 para. 15(11)(c)** ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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