
EXPLANATORY NOTE

(This note is not part of the Order)

Section 27(1) of the Regulation of Investigatory Powers (Scotland) Act 2000 (“the Act”) confers on the Scottish Ministers the power to provide that any description of directed surveillance be treated as intrusive surveillance.

This Order exercises that power in relation to surveillance which is carried out on premises at a time when any part of those premises are used for a legal consultation. The effect is that covert surveillance which is to be carried out on such premises must be authorised in accordance with the procedures set out in section 10 of the Act. In particular, such surveillance may be authorised only by the chief constable of the Police Service of Scotland (or another senior officer designated by the chief constable) or by the Police Investigations and Review Commissioner and may be authorised only if necessary to prevent or detect serious crime. By virtue of section 13 and 14 of the Act, authorisations for covert surveillance on the premises listed in article 3(2) will not, except in urgent cases, take effect unless notified to and approved by an ordinary Surveillance Commissioner.