

**Changes to legislation:** Investigatory Powers Act 2016, Cross Heading: Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11) is up to date with all changes known to be in force on or before 13 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 10

#### MINOR AND CONSEQUENTIAL PROVISION

#### PART 6

##### JUDICIAL COMMISSIONERS

##### *Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11)*

84 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.

##### Commencement Information

**I1** Sch. 10 para. 84 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

85 In the cross-heading before section 2 (Surveillance Commissioners) for “Surveillance” substitute “Judicial”.

##### Commencement Information

**I2** Sch. 10 para. 85 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

86 In section 2(10) (restrictions on appeals against Commissioners)—  
(a) for “Chief Surveillance Commissioner” substitute “Investigatory Powers Commissioner”, and  
(b) for “other Surveillance Commissioner” substitute “other Judicial Commissioner”.

##### Commencement Information

**I3** Sch. 10 para. 86 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

87 In the heading of section 16 for “Surveillance Commissioners” substitute “Judicial Commissioners”.

##### Commencement Information

**I4** Sch. 10 para. 87 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

88 Omit section 18 (information to be provided to Surveillance Commissioners).

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#### Commencement Information

**I5** Sch. 10 para. 88 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j) (with reg. 9)

89 In the cross-heading before section 21 (Chief Surveillance Commissioner) for “Chief Surveillance” substitute “Investigatory Powers”.

#### Commencement Information

**I6** Sch. 10 para. 89 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

90 Omit section 21 (functions of Chief Surveillance Commissioner).

#### Commencement Information

**I7** Sch. 10 para. 90 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j) (with reg. 6)

91 (1) Section 22 (co-operation with, and reports by, Chief Surveillance Commissioner) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (2) for “Chief Surveillance Commissioner” substitute “Investigatory Powers Commissioner”.

(4) In subsection (3)—

(a) for “Chief Surveillance Commissioner” substitute “Investigatory Powers Commissioner”, and

(b) after “under” insert “, and in relation to, ”.

#### Commencement Information

**I8** Sch. 10 para. 91 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

92 In section 24(2) (issue and revision of codes of practice) for “the Surveillance Commissioners appointed under this Act or the Commissioners holding office under section 91 of that Act” substitute “the Judicial Commissioners”.

#### Commencement Information

**I9** Sch. 10 para. 92 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

93 In section 26(4) (effect of codes of practice)—

(a) in paragraph (b) for “Chief Surveillance Commissioner” substitute “Investigatory Powers Commissioner”, and

(b) in paragraph (c) for “a Surveillance Commissioner” substitute “a Judicial Commissioner (other than the Investigatory Powers Commissioner)”.

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**Commencement Information**

**I10** [Sch. 10 para. 93](#) in force at 1.9.2017 by [S.I. 2017/859](#), [reg. 2\(j\)](#)

- 94 (1) Section 31(1) (interpretation) is amended as follows.
- (2) After the definitions of “directed” and “intrusive” insert—
- ““the Investigatory Powers Commissioner” and “Judicial Commissioner” have the same meanings as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.
- (3) Omit the definitions of “ordinary Surveillance Commissioner”, “Surveillance Commissioner” and “Chief Surveillance Commissioner”.

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**Commencement Information**

**I11** [Sch. 10 para. 94](#) in force at 1.9.2017 by [S.I. 2017/859](#), [reg. 2\(j\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)