



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 2

#### LAWFUL INTERCEPTION OF COMMUNICATIONS

### CHAPTER 1

#### INTERCEPTION AND EXAMINATION WITH A WARRANT

##### *Power to issue warrants*

## 22 “Relevant Scottish applications”

- (1) An application for the issue of a warrant under this Chapter is a “relevant Scottish application” for the purposes of this Chapter if any of conditions A to C is met.

In this section “the applicant” means the person by whom, or on whose behalf, the application is made.

- (2) Condition A is that—
- (a) the application is for the issue of a targeted interception warrant or a targeted examination warrant, and
  - (b) the warrant, if issued, would relate to—
    - (i) a person who is in Scotland, or is reasonably believed by the applicant to be in Scotland, at the time of the issue of the warrant, or
    - (ii) premises which are in Scotland, or are reasonably believed by the applicant to be in Scotland, at that time.
- (3) Condition B is that—
- (a) the application is for the issue of a mutual assistance warrant which, if issued, would authorise or require—
    - (i) the making of a request falling within section 15(4)(a), or

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 22 is up to date with all changes known to be in force on or before 30 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*

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- (ii) the making of such a request and disclosure falling within section 15(4)(c), and
  - (b) the application—
    - (i) is made by, or on behalf of, the chief constable of the Police Service of Scotland, or
    - (ii) is made by, or on behalf of, the Commissioners for Her Majesty's Revenue and Customs or the Director General of the National Crime Agency for the purpose of preventing or detecting serious crime in Scotland.
- (4) Condition C is that—
  - (a) the application is for the issue of a mutual assistance warrant which, if issued, would authorise or require—
    - (i) the provision of assistance falling within section 15(4)(b), or
    - (ii) the provision of such assistance and disclosure falling within section 15(4)(c), and
  - (b) the warrant, if issued, would relate to—
    - (i) a person who is in Scotland, or is reasonably believed by the applicant to be in Scotland, at the time of the issue of the warrant, or
    - (ii) premises which are in Scotland, or are reasonably believed by the applicant to be in Scotland, at that time.

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**Commencement Information**

**II** S. 22 in force at 31.5.2018 by [S.I. 2018/652](#), [reg. 3\(h\)](#)

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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\(3\)\(a\)](#)