

## SCHEDULE 1

### FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: GENERAL

#### **Interception of Communications Act 1985 (c. 56)**

**6.—(1)** The function of the Secretary of State under section 2 of the 1985 Act (warrants for interception) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if it is exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where the warrant under section 2 of the 1985 Act would require the person to whom the warrant is addressed—

- (a) to intercept, in the course of their transmission by post or by means of a public telecommunication system (within the meaning of the Telecommunications Act 1984<sup>(1)</sup>), such communications to or from—
  - (i) a person who is, or is reasonably believed by the Secretary of State to be, located in Scotland at the time when the warrant is issued; or
  - (ii) premises whose location is in Scotland,as may be specified or described in the warrant by virtue of section 3(1) of the 1985 Act (scope of warrants); and

- (b) to disclose the intercepted material to such persons and in such manner as are described in the warrant.

(3) Any function of the Secretary of State under section 4(3) or (4), 5(1)(a) or (2) or 6(1) of the 1985 Act (issue and duration of warrants, modification of warrants etc. and safeguards) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if it is exercisable in the class of case mentioned in sub-paragraph (4) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(4) The class of case mentioned in this sub-paragraph constitutes any case where—

- (a) the function is exercisable in relation to a warrant issued under section 2 of the 1985 Act; and
- (b) the function of issuing such a warrant is, under sub-paragraphs (1) and (2) above, to be treated for the purposes of section 63 of the 1998 Act as a case where the function is, for those purposes, treated as being exercisable in or as regards Scotland.

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(1) 1984 c. 12.