

*These notes relate to the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) which received Royal Assent on 28 September 2000*

# **REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *Authorisation of surveillance and human intelligence sources*

##### *Section 10: Authorisation of intrusive surveillance*

38. This section deals with authorisations for intrusive surveillance. Such authorisations may only be granted by chief constables in the police forces.
39. By virtue of *subsection (2)*, intrusive surveillance authorisations cannot be granted unless specific criteria are satisfied, namely that the chief constable is satisfied that:
  - the authorisation is necessary for the purpose of preventing or detecting serious crime (which is defined in section 31(6)); and
  - the authorised activity is proportionate to what is sought to be achieved by it.
40. An additional factor which must be taken into account is specified in *subsection (3)*. The chief constable must be satisfied that the information which it is thought necessary to obtain by the authorised conduct could not reasonably be obtained by other means.