



# Regulation of Investigatory Powers (Scotland) Act 2000

## 2000 asp 11

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

#### **10 Authorisation of intrusive surveillance**

(1) Subject to the following provisions of this Act, [<sup>F1</sup>any of the persons mentioned in subsection (1A) may grant authorisations for the carrying out of intrusive surveillance.]

[<sup>F2</sup>(1A) Those persons are—

(a) the chief constable of [<sup>F3</sup>the Police Service and any other senior officer of the Police Service who is designated by the chief constable for the purposes of this section],

[<sup>F4</sup>(aa) the Police Investigations and Review Commissioner;]

[<sup>F5</sup>(b) .....

[<sup>F5</sup>(c) .....]

(2) No such authorisation shall be granted unless the [<sup>F6</sup>person]<sup>F6</sup> granting it is satisfied—

(a) that the authorisation is necessary for the purpose of preventing or detecting serious crime; and

(b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

(3) The matters to be taken into account in considering whether the requirements of subsection (2) above are satisfied in the case of any authorisation shall include whether the information which it is thought necessary to obtain by the authorised conduct could reasonably be obtained by other means.

(4) The conduct that is authorised by an authorisation for the carrying out of intrusive surveillance is any conduct that—

(a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorisation;

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*Changes to legislation: There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 10. (See end of Document for details)*

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- (b) is carried out in relation to the residential premises specified or described in the authorisation or in relation to the private vehicle so specified or described; and
- (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

#### Textual Amendments

- F1** Words in s. 10(1) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 106(2)(a)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F2** S. 10(1A) inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 106(2)(b)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F3** Words in s. 10(1A)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 15(4)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** S. 10(1A)(aa) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 15(4)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** S. 10(1A)(b)(c) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F6** Words in s. 10(2) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp10\)](#), ss. 101, 104, Sch. 6 para. 9(3)(b); S.S.I. 2007/84, **art. 3(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 10.