



# Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

## *Surveillance Commissioners*

### **2 Surveillance Commissioners**

- (1) The Scottish Ministers shall appoint for the purposes of this Act—
  - (a) a Chief Surveillance Commissioner; and
  - (b) such number of other Surveillance Commissioners as the Scottish Ministers think fit.
- (2) The persons appointed under subsection (1) above shall be persons who hold or have held high judicial office within the meaning of the Appellate Jurisdiction Act 1876 (c. 59).
- (3) Subject to subsections (4) to (7) below, each Surveillance Commissioner shall hold and vacate office in accordance with the terms of his appointment.
- (4) Each Surveillance Commissioner shall be appointed for a term of three years.
- (5) A person who ceases to be a Surveillance Commissioner (otherwise than under subsection (7) below) may be reappointed under this section.
- (6) Subject to subsection (7) below, a Surveillance Commissioner shall not be removed from office before the end of the term for which that Commissioner is appointed unless a resolution approving the removal has been passed by the Scottish Parliament.
- (7) A Surveillance Commissioner may be removed from office by the Scottish Ministers if after his appointment—
  - (a) a bankruptcy order is made against the Commissioner or the Commissioner's estate is sequestrated or the Commissioner makes a composition or arrangement with, or grants a trust deed for, the Commissioner's creditors;
  - (b) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or Part II of the Companies (Northern Ireland) Order 1989 (S.I.1989/2404 (N.I.18)), or an order under section 429(2)(b) (failure to pay under county court administration order) of the Insolvency Act 1986 (c. 45), is made against the Commissioner; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) the Commissioner is convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and is sentenced to imprisonment (whether suspended or not).
- (8) The Scottish Ministers shall pay to each Surveillance Commissioner such allowances as the Scottish Ministers consider appropriate.
- (9) The Scottish Ministers may, after consultation with the Chief Surveillance Commissioner, provide the Commissioners with such staff as the Scottish Ministers consider necessary for the discharge of the Commissioners' functions.
- (10) The decisions of the Chief Surveillance Commissioner or, subject to section 16 below, any other Surveillance Commissioner (including decisions as to jurisdiction) shall not be subject to appeal or liable to be questioned in any court.