



# Regulation of Investigatory Powers (Scotland) Act 2000

## 2000 asp 11

### *Codes of practice*

#### **24 Issue and revision of codes of practice**

- (1) The Scottish Ministers shall issue one or more codes of practice relating to the exercise and performance of the powers and duties mentioned in subsection (2) below.
- (2) Those powers and duties are those (excluding any power to make subordinate legislation) that are conferred or imposed, by or under—
  - (a) this Act;
  - <sup>[F1]</sup>(aa) Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service or the Police Investigations and Review Commissioner;] and
  - (b) Part III of the Police Act 1997 (c.50) (authorisation of interference with property or wireless telegraphy) insofar as relating to <sup>[F2]</sup>the Police Service<sup>[F3]</sup> or to the Police Investigations and Review Commissioner<sup>[F4]</sup> ..., otherwise than on <sup>[F5]</sup>the Judicial Commissioners] .
- (3) Before issuing a code of practice under subsection (1) above, the Scottish Ministers shall—
  - (a) prepare and publish a draft of that code; and
  - (b) consider any representations made to them about the draft,and the Scottish Ministers may incorporate in the code finally issued any modifications made by them to the draft after its publication.
- (4) The Scottish Ministers shall lay before the Scottish Parliament every draft code of practice prepared and published by them under this section.
- (5) A code of practice issued by the Scottish Ministers under this section shall not be brought into force except in accordance with an order made by them.
- (6) An order under subsection (5) above may contain such transitional provisions and savings as appear to the Scottish Ministers to be necessary or expedient in connection with the bringing into force of the code brought into force by that order.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 24. (See end of Document for details)*

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- (7) The Scottish Ministers may from time to time—
- (a) revise the whole or any part of a code issued under this section; and
  - (b) issue the revised code.
- (8) Subsections (3) to (6) above shall apply (with appropriate modifications) in relation to the issue of any revised code under this section as they apply in relation to the first issue of such a code.
- (9) The Scottish Ministers shall not make an order containing provision for any of the purposes of this section unless a draft of the order has been laid before, and approved by a resolution of the Parliament.

#### Textual Amendments

- F1** S. 24(2)(aa) inserted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 69** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(j)
- F2** Words in s. 24(2)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 15(12)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in s. 24(2)(b) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 15(12)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Words in s. 24(2)(b) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 15(12)(c)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Words in s. 24(2) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 92** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/859, reg. 2(j)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 24.