



Regulation of Investigatory Powers (Scotland) Act 2000

2000 asp 11

Codes of practice

26 Effect of codes of practice

- (1) A person exercising or performing any power or duty in relation to which provision may be made by a code of practice under section 24 or 25 above shall, in doing so, have regard to the provisions (so far as they are applicable) of every code of practice for the time being in force under that section.
- (2) A failure on the part of any person to comply with any provision of a code of practice for the time being in force under section 24 or 25 above shall not of itself render the person liable to any criminal or civil proceedings.
- (3) A code of practice in force at any time under section 24 or 25 above shall be admissible in evidence in any criminal or civil proceedings.
- (4) If any provision of a code of practice issued under section 24 or 25 or revised under section 24(7) above appears to—
 - (a) the court or tribunal conducting any civil or criminal proceedings;
 - (b) the Chief Surveillance Commissioner carrying out any of the functions of that Commissioner under this Act; or
 - (c) a Surveillance Commissioner carrying out the functions of that Commissioner under this Act insofar as relating to a police force,

to be relevant to any question arising in the proceedings, or in connection with the exercise of that jurisdiction or the carrying out of those functions, in relation to a time when it was in force, that provision of the code shall be taken into account in determining that question.