
Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Paragraph 9 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 6 MODIFICATIONS OF ENACTMENTS

PART 1

ACTS

The Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)

- 9 (1) The Regulation of Investigatory Powers (Scotland) Act 2000 is modified as follows.
- (2) In section 9 (special provision for the Scottish Crime Squad)—
- (a) subsection (1) is repealed
 - (b) in subsection (2), for “Scottish Crime Squad and constables seconded to it” there is substituted “ “Scottish Crime and Drug Enforcement Agency ”
 - (c) in subsection (3), for “Scottish Crime Squad” there is substituted “ “Scottish Crime and Drug Enforcement Agency ”
 - (d) in subsection (4)—
 - (i) for “Scottish Crime Squad” there is substituted “ “Scottish Crime and Drug Enforcement Agency ”; and
 - (ii) for “constable seconded to that Squad” there is substituted “ “police member of that Agency ”;
 - (e) subsections (5) and (6) are repealed; and
 - (f) the section heading becomes “ **“Special provision for the Scottish Crime and Drug Enforcement Agency ”**”.
- (3) In section 10 (authorisation of intrusive surveillance)—
- (a) in subsection (1), after “force” there is inserted “ “and the Director General of the Scottish Crime and Drug Enforcement Agency ”; and
 - (b) in subsection (2), for “chief constable” there is substituted “ “person ”.
- (4) In section 11 (grant of authorisations)—
- (a) in subsection (2), at the beginning there is inserted “ “Subject to section 12A below, ”;
 - (b) for subsection (3) there is substituted—

“(3) The Director General of the Scottish Crime and Drug Enforcement Agency shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by a police member of that Agency.”;
 - (c) in subsection (4)—
 - (i) in paragraph (a), after “force” there is inserted “ “or is a police member of the Scottish Crime and Drug Enforcement Agency ”; and
 - (ii) in paragraph (b), for “a police force,” there is substituted—
 - “(i) where that individual is a member of a police force, a police force; or
 - (ii) where that individual is a police member of the Scottish Crime and Drug Enforcement Agency, that Agency, ”; and
 - (d) in subsection (5), after “section” there is inserted “ “and section 12A below ”.

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- (5) In section 12 (grant of authorisations in cases of urgency)—
- (a) in subsection (1), after “application” there is inserted ““(other than an application to which section 12A below applies)””
 - (b) in subsection (4), after “rank of” there is inserted ““(deputy chief constable or ”; and
 - (c) in subsection (5), for the words from “assistant” to the end there is substituted—
 - “(a) deputy chief constable and, where there is more than one person in a police force who holds that rank, who is designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of the Police (Scotland) Act 1967 (c. 77); or
 - (b) assistant chief constable who is designated to act under section 5A(2) of that Act.”.
- (6) After section 12 there is inserted—

“12A Grant of authorisations in cases of urgency: Scottish Crime and Drug Enforcement Agency

- (1) This section applies in the case of an application to the Director General of the Scottish Crime and Drug Enforcement Agency for an authorisation for the carrying out of intrusive surveillance where the case is urgent.
- (2) If it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by the Director General or the Deputy Director General of that Agency, the application may be made to and considered by—
 - (a) the chief constable of the police force to which subsection (3) below applies
 - (b) a person (if there is one) who is entitled, as a designated deputy of that chief constable, to exercise the functions in relation to that application of that chief constable; or
 - (c) if it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by a person such as is mentioned in paragraph (a) or (b) above, any person who is entitled under subsection (4) of section 12 above to act, for the purposes of that section, for that chief constable.
- (3) This subsection applies to a police force if—
 - (a) in the case of an authorisation for the carrying out of intrusive surveillance in relation to any residential premises, those premises are in; and
 - (b) in the case of an authorisation for the carrying out of intrusive surveillance in relation to any private vehicle, the chief constable of that police is satisfied that the operation will commence in, the area of operation of that police force.
- (4) In this section “designated deputy” has the same meaning as in section 12 above.”.

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- (7) In section 14(5)(b) (meaning of “most senior relevant person”), for the words from “member” to the end there is substituted ““police member of the Scottish Crime and Drug Enforcement Agency, the Director General of that Agency.””.
- (8) In section 15(7) (persons receiving a report when authorisation is quashed), after paragraph (a) there is inserted—
- “(aa) in the case of an authorisation granted under section 12A above, to the chief constable mentioned in subsection (2)(a) of that section;”.
- (9) In section 16(1) (appeals), after “force” there is inserted ““or the Director General of the Scottish Crime and Drug Enforcement Agency””.
- (10) In section 18 (information to be provided to the Surveillance Commissioners), for paragraph (b) there is substituted—
- “(b) the Director General, the Deputy Director General and every police member of the Scottish Crime and Drug Enforcement Agency;”.
- (11) In section 20(6) (meaning of “deputy” in relation to cancellations)—
- (a) the words from “in”, where it second occurs, to “constable”, where it second occurs, become paragraph (a); and
- (b) after those words there is inserted—
- “(b) in relation to the Director General of the Scottish Crime and Drug Enforcement Agency, to the Deputy Director General of that Agency”.
- (12) In section 23(5)(b) (conduct taking place in challengeable circumstances), after “force” there is inserted ““or to the Scottish Crime and Drug Enforcement Agency””.
- (13) In section 24(2)(b) (powers and duties in relation to which codes of practice must be issued), after “force” there is inserted ““or to the Scottish Crime and Drug Enforcement Agency””.
- (14) In section 31(1) (interpretation), after the definition of “police force” there is inserted—
- ““police member”, in relation to the Scottish Crime and Drug Enforcement Agency, means a person appointed as such a member in accordance with paragraph 7 of schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10);”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)