



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 5

### CRIMINAL JUSTICE

#### *Surveillance*

#### **106 Grant of authorisations for surveillance**

- (1) The Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) is amended as follows.
- (2) In section 10 (authorisation of intrusive surveillance)—
  - (a) in subsection (1), for the words from “the” where it second occurs to the end substitute “any of the persons mentioned in subsection (1A) may grant authorisations for the carrying out of intrusive surveillance.”, and
  - (b) after that subsection insert—

“(1A) Those persons are—

    - (a) the chief constable of every police force,
    - (b) the Director General of the Scottish Crime and Drug Enforcement Agency,
    - (c) the Deputy Director General of the Scottish Crime and Drug Enforcement Agency.”.
- (3) After that section insert—

#### **“10A Authorisation of surveillance: joint surveillance operations**

In the case of a joint surveillance operation, where authorisation is sought for the carrying out of any form of conduct to which this Act applies, authorisation may be granted by any one of the persons having power to grant authorisation for the carrying out of that conduct.”.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In section 11 (rules for grant of authorisations), in subsection (3), after “General” insert “or the Deputy Director General”.
- (5) In section 12A (grant of authorisations in cases of urgency: Scottish Crime and Drug Enforcement Agency), in subsection (1), after “General” insert “or the Deputy Director General”.
- (6) In section 14 (approval required for authorisations to take effect)—
  - (a) in subsection (5)(b), after “General” insert “or the Deputy Director General”, and
  - (b) subsection (7) is repealed.
- (7) In section 16 (appeals against decisions by Surveillance Commissioners), in subsection (1), after “General” insert “or the Deputy Director General”.
- (8) In section 31 (interpretation), in subsection (1), after the definitions of “directed” and “intrusive” insert—
  - ““joint surveillance operation” means a case involving—
    - (a) at least two police forces in Scotland working together; or
    - (b) at least one police force in Scotland and the Scottish Crime and Drug Enforcement Agency working together;”.