

EXECUTIVE NOTE

DRAFT SSI: THE REGULATION OF INVESTIGATORY POWERS (SCOTLAND) AMENDMENT ORDER 2010 (SSI 2010/XXX)

The above instrument is made in exercise of the powers conferred by section 8(4)(a) of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIP(S)A). The instrument is subject to affirmative resolution procedure.

Policy Objective

Section 8 of RIP(S)A lists the public authorities within which prescribed persons are entitled to grant authorisations under section 6 (directed surveillance) and section 7 (covert human intelligence sources). The relevant public authorities are listed at section 8(3).

During a recent review of public authority use of RIP(S)A (fuller details are provided in the Executive Note which accompanies The Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010), it came to light that the word 'Scottish' had been omitted from the entry at section 8(3)(d) ie the Common Services Agency for the Health Service should be a reference to the Common Services Agency for the Scottish Health Service. While there is no other body called 'the Common Services Agency for the Health Service', and while the Scottish Parliament, when passing the original Act, could only have intended to include a body within the Scottish Health Service, the opportunity is being taken to correct this matter in the interest of the avoidance of doubt. To achieve this, the current entry at section 8(3)(d) requires to be removed and a new entry listing the correctly named body added at section 8(3)(i). The Regulation of Investigatory Powers (Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 is, amongst other things, amending RIP(S)A to remove the existing entry at section 8(3)(d). That Order is subject to the negative resolution procedure. The addition of the correctly named entry is provided for in the Regulation of Investigatory Powers (Scotland) Amendment Order 2010 and is subject to affirmative resolution procedure.

Consultation

As the provisions do not seek to take new powers, or to increase the powers currently available to the Commons Services Agency for the Scottish Health Service, consultation was confined to the body in question.

Regulatory Impact Assessment

For the same reasons stated under the Consultation paragraph, no Regulatory Impact Assessment has been completed.

Financial Effects

This instrument has no additional financial effects on the Scottish Government, local government, the Commons Services Agency for the Scottish Health Service or business.

Scottish Government Justice & Communities Directorate
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