

SCHEDULE 5

MODIFICATIONS OF ENACTMENTS

Intelligence Services Act 1994 (c. 13)

- 14.**—(1) The Intelligence Services Act 1994 is amended as follows.
- (2) In section 6 (warrants: procedure and duration, etc.)—
- (a) in subsection (1)—
- (i) in paragraph (a), after the words “Secretary of State”, there are inserted the words “or, in the case of a warrant by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive”???”; and
- (ii) at the end of paragraph (b) there is inserted—
- “; or
- (c) in an urgent case where, the Scottish Ministers have (by virtue of provision made under section 63 of the Scotland Act 1998) expressly authorised its issue and a statement of that fact is endorsed thereon, under the hand of a member of the staff of the Scottish Administration who is in the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand a warrant may be issued in such a case.”;
- (b) in subsection (2), after “Secretary of State”, there is inserted “or, in the case of a warrant issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive”.
- (3) In section 8 (the Commissioner)—
- (a) in subsection (3), after “sections 5 to 7 above”, there is inserted “and the exercise by the Scottish Ministers of their powers under sections 5 and 6 above (by virtue of provision made under section 63 of the Scotland Act 1998)”;
- (b) in subsection (4)—
- (i) the word “and” at the end of paragraph (b) is repealed; and
- (ii) after paragraph (c), there is inserted—
- “and
- (d) every member of the staff of the Scottish Administration,”;
- (c) in subsection (5), for the words from “to him” to the end, there is substituted— “
- (a) to the Prime Minister on any matter relating to his discharge of those functions; and
- (b) to the First Minister on any matter relating to his discharge of those functions so far as concerned with the exercise by the Scottish Ministers of their powers under sections 5 and 6 above (by virtue of provision made under section 63 of the Scotland Act 1998),”.
- (d) after subsection (6), there is inserted—
- “(6A) The Prime Minister shall send a copy of every annual report together with a copy of the statement referred to in subsection (6) above which he lays in terms of that subsection to the First Minister who shall forthwith lay that copy report and statement before the Scottish Parliament.”.
- (4) In Schedule 1 (investigation of complaints)—

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

- (a) in paragraph 5(2), after “Secretary of State was”, there is inserted “or, in the case of a warrant issued by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers were”;
- (b) in paragraph 6(1)(b), after “Secretary of State”, there is inserted “or, in the case of a warrant issued by them (by virtue of provision under section 63 of the Scotland Act 1998), the Scottish Ministers”;
- (c) paragraph 7(2), at the end, there is inserted –
“or, in any case which relates to a warrant which was issued by them (by virtue of provision made under section 63 of the Scotland Act 1998), to the Scottish Ministers”;
- (d) in paragraph 8(1)(b), after “Secretary of State”, there is inserted “or, if the determination relates to activities in respect of which a warrant was issued under section 5 of this Act by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”.