

SCHEDULE 1

FUNCTIONS TO BE TREATED AS BEING, OR NOT BEING, EXERCISABLE IN OR AS REGARDS SCOTLAND

Functions under the 2000 Act

2.—(1) The functions of the Secretary of State under section 5 of the 2000 Act (interception with a warrant) are, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where the warrant under section 5 of the 2000 Act—

- (a) authorises or requires the person to whom it is addressed to secure interception in accordance with paragraph (a) of section 5(1), or interception in accordance with that paragraph and disclosure in accordance with section 5(1)(d); and
- (b) names or describes, in accordance with section 8(1), a person who is, or a set of premises which is (or, in either case, is reasonably believed by the Secretary of State to be) located in Scotland at the time when the warrant is issued.