

SCHEDULE 1

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

Functions under the 2000 Act

4.—(1) The functions of the Secretary of State under sections 32 (authorisation of intrusive surveillance) and 42 (intelligence services authorisations) of the 2000 Act 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 grant by the Secretary of State of an authorisation for the carrying out of intrusive surveillance under section 32 of the 2000 Act is made by a warrant issued under section 42 of that Act and would authorise conduct that is carried out in relation to residential premises or any private vehicle which is (or, in either case, reasonably believed by the Secretary of State to be) located in Scotland at the time when the warrant is issued.