

SCHEDULE 1

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

Functions under the 2000 Act

5.—(1) The functions of the Secretary of State under sections 44(1) and (2)(b) and 45(1) (a) (special rules for issue and renewal of intelligence services authorisations, cancellation of 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—

- (a) the function is exercisable in relation to the grant by the Secretary of State of an authorisation for the carrying out of intrusive surveillance under section 32 of the 2000 Act which is made by a warrant issued under section 42 of that Act; and
- (b) the function of issuing such a warrant is, under paragraph 4 above, to be treated for the purposes of section 63 of the 1998 Act as a case where the function is, for those purposes, treated as being exercisable in or as regards Scotland.