

SCHEDULE 3

PART II

MODIFICATIONS OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

6. In section 10 (modification of warrants and certificates)–
- (a) after subsection (4) there is inserted the following subsection:–
 - “(4A) Subject to subsections (5A), (6) and (8), a warrant issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) shall not be modified under this section except by an instrument under the hand of a member of the Scottish Executive or a member of the staff of the Scottish Administration who is a member of the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand an instrument may be issued in such a case (in this section referred to as “a designated official”);
 - (b) after subsection (5) there is inserted the following subsection:–
 - “(5A) Unscheduled parts of an interception warrant issued by the Scottish Ministers shall not be modified under the hand of a designated official except in an urgent case in which–
 - (a) they have themselves (by virtue of provision made under section 63 of the Scotland Act 1998) expressly authorised the modification; and
 - (b) a statement of that fact is endorsed on the modifying instrument”;
 - (c) in subsection (6), after “subsection (4)” there is inserted “or (4A)”; and
 - (d) in subsection (9)–
 - (i) in paragraph (a), after “Secretary of State” there is inserted “or, as the case may be, the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”; and
 - (ii) in paragraph (b), after “subsection (5)(b)” there is inserted “, (5A)(b)”.