

SCHEDULE 2

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

Regulation of Investigatory Powers Act 2000

- 33.**—(1) The 2000 Act(1) is modified as follows.
- (2) In section 6(2)(2) (application for issue of an interception warrant)—
- (a) omit paragraph (da)(3); and
 - (b) in paragraph (g), for the words from “any” to the end, substitute “the Police Service of Scotland”.
- (3) In section 17(3) (exclusion of matters from legal proceedings)(4), omit paragraph (ca).
- (4) In section 19(2) (offence for unauthorised disclosures)(5), omit paragraph (ca).
- (5) In section 22 (obtaining and disclosing communications data)(6)—
- (a) omit subsections (3E) to (3H);
 - (b) in subsection (3I), for “Subsections (3B) and (3F) are” substitute “Subsection (3B) is”; and
 - (c) in subsection (5), for “, (3B) or (3F)” substitute “or (3B)”.
- (6) In section 23 (form and duration of authorisations and notices)(7)—
- (a) in subsection (1), for “, (3B) or (3F)” substitute “or (3B)”;
 - (b) in subsection (2A), for “, (3B) or (3F)” substitute “or (3B)”;
 - (c) in subsection (3), for “subsections (3A) and (3D)” substitute “subsection (3A)”;
 - (d) omit subsections (3D) to (3F); and
 - (e) in each of subsections (4), (5) and (6), for “, (3B) or (3F)” substitute “or (3B)”.
- (7) In section 23A (authorisations requiring judicial approval)(8) in subsections (1)(a) and (3), for “, (3B) or (3F)”, in both places, substitute “or (3B)”.
- (8) In section 25(1) (interpretation of Chapter II)(9), in the definition of “relevant public authority”, omit paragraph (ca).
- (9) In section 29 (authorisation of covert human intelligence sources)(10)—
- (a) in subsection (2)(c), omit sub-paragraph (ii);

(1) 2000 c.23.

(2) Section 6(2) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 132(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 6 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(2).

(3) Paragraph (da) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(2).

(4) Section 17(3) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 133(1), the Policing and Crime Act 2009 (c.26), section 100(2) and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(3).

(5) Section 19(2) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 134(1); and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(4).

(6) Section 22 was amended by the Policing and Crime Act 2009 (c.26), section 7(2) and Schedule 7, paragraph 13 and the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 7.

(7) Section 23 was amended by the Policing and Crime Act 2009 (c.26), section 7 and Schedule 7, paragraph 14.

(8) Section 23(2A) was inserted by the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 8.

(9) Section 25(1) is relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 135(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 8 and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(5).

(10) Section 29 was amended by the Policing and Crime Act 2009 (c.26), section 8.

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- (b) in subsection (2A), omit paragraph (b) and the word “and” which precedes it;
 - (c) omit subsections (4B) and (7B); and
 - (d) in subsection (10), omit paragraph (b) and the word “and” which precedes it.
- (10) In section 32(6)(d) (authorisation of intrusive surveillance), for the words from “every” to the end, substitute “the Police Service of Scotland”;
- (11) In section 33 (rules for grant of authorisations)(**11**)—
- (a) in subsection (1), for “subsections (1ZB) and (1ZE)” substitute “subsection (1ZB)”;
 - (b) omit subsections (1ZD) to (1ZF) and (1B);
 - (c) in subsection (3), for “subsections (3ZB) and (3ZE)” substitute “subsection (3ZB)”;
 - (d) omit subsections (3ZD) to (3ZF);
 - (e) in subsection (5)(a), omit “or a member of the Scottish Crime and Drug Enforcement Agency”;
 - (f) omit subsection (5B); and
 - (g) in subsection (6)—
 - (i) in paragraph (a)—
 - (aa) after second “force” insert “or”;
 - (bb) omit from first “or” to “1967”; and
 - (ii) after paragraph (a) insert—
 - “(aa) the area of operation of the Police Service of Scotland is Scotland;”.
- (12) In section 34 (grant of authorisations in the senior officer’s absence)(**12**)—
- (a) in subsection (4)(d), for the words from second “a” to the end, substitute “the Police Service of Scotland if he holds the rank of deputy or assistant chief constable of the Police Service of Scotland”; and
 - (b) in subsection (6)(aa), for the words from “for” to the end of that paragraph substitute “of the Police Service of Scotland, means the deputy chief constable designated under section 18(3) of the Police and Fire Reform (Scotland) Act 2012;”.
- (13) In section 36(7)(a) (approval required for authorisations to take effect), for sub-paragraph (iii) substitute—
- “(iii) the chief constable of the Police Service of Scotland.”
- (14) In section 45(6) (cancellation of authorisations)(**13**)—
- (a) in paragraph (a), for sub-paragraph (iii) substitute—
 - “(iii) the chief constable of the Police Service of Scotland;”;
 - (b) after paragraph (b) insert “and”; and
 - (c) omit paragraph (ca) and the word “and” which precedes it.

(11) Section 33 was amended by the Enterprise Act 2002 (c.40), section 199; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 137 and Schedule 17, paragraph 1; the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 171(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 11, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(6) and the Policing and Crime Act 2009 (c.26), section 9.

(12) Section 34 is amended by the Enterprise Act 2002 (c.40), section 199; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 138 and Schedule 17, paragraph 1, the Police and Justice Act 2006 (c.48), Schedule 14, paragraph 39, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 172 and the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 12.

(13) Section 45(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(7).

- (15) In section 49(1) (notices requiring disclosure)(**14**)—
- (a) in paragraph (c), for “, (3B) or (3F)” substitute “or (3B)”; and
 - (b) in paragraph (e), omit “, SCDEA” (in both places).
- (16) In section 51 (cases in which key required)(**15**)—
- (a) in subsection (2)—
 - (i) omit first “SCDEA,”; and
 - (ii) omit paragraph (ab);
 - (b) in subsection (3), omit “the Director General of the Scottish Crime and Drug Enforcement Agency,”; and
 - (c) in subsection (6), omit “by the Director General of the Scottish Crime and Drug Enforcement Agency,”.
- (17) In section 54(3) (tipping-off)(**16**), omit “SCDEA,” in paragraphs (a) and (b).
- (18) In section 55 (general duties of specified authorities)(**17**)—
- (a) in subsection (1), omit paragraph (bb); and
 - (b) omit subsection (3B).
- (19) In section 56(1) (interpretation of Part III)(**18**)—
- (a) in the definition of “chief officer of police”—
 - (i) in paragraph (a), omit “or section 1 of the Police (Scotland) Act 1967”; and
 - (ii) after paragraph (c) insert—
 - “(ca) the chief constable of the Police Service of Scotland;”;
 - (b) in the definition of “the police”, in paragraph (a), omit “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”; and
 - (c) omit the definition of “SCDEA”.
- (20) In section 58(1) (co-operation with and reports by s.57 Commissioner)(**19**)—
- (a) omit paragraph (ba); and
 - (b) in paragraph (g), for “, (3B) or (3F)” substitute “or (3B)”.
- (21) In section 65(6) (the Tribunal)(**20**)—
- (a) after paragraph (c) insert—
 - “(ca) the Police Investigations and Review Commissioner;”;
 - (b) omit paragraph (da).

(14) Section 49(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 145, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 19, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(8) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 15.

(15) Section 51 was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 146, the Serious Crime Act 2006 (c.27), Schedule 12, paragraph 20 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(9).

(16) Section 54(3) is amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 147, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 21 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(10).

(17) Section 55 is amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 148, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 22 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(11).

(18) Section 56(1) was relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 174, the Serious Crime Act 2007 (c.27), Schedule 14, paragraph 1 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(12).

(19) Section 58(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 150, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(13) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 16.

(20) Section 65(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 151, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 24 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(14).

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- (22) In section 68(7) (Tribunal procedure)(**21**)—
- (a) omit paragraph (ba);
 - (b) after paragraph (d) insert—
 - “(da) the Police Investigations and Review Commissioner and every member of the Commissioner’s staff;”;
 - (c) in paragraph (g), for “, (3B) or (3F)” substitute “or (3B)”.
- (23) In section 76A(11) (foreign surveillance operations)(**22**), in the definition of “United Kingdom officer”, omit paragraph (c).
- (24) In section 81(1) (general interpretation)(**23**), in the definition of “police force”, for paragraph (d) substitute—
- “(d) the Police Service of Scotland;”.
- (25) In Schedule 1 (relevant public authorities)(**24**), omit paragraph 2A.
- (26) In Schedule 2 (persons having the appropriate permission)(**25**)—
- (a) in paragraph 2(3) and (5), omit “, SCDEA”;
 - (b) in paragraph 4(2), omit “SCDEA,” (in every place);
 - (c) in paragraph 5(3)(b), omit “, SCDEA”; and
 - (d) in paragraph 6—
 - (i) omit sub-paragraph (3B); and
 - (ii) in sub-paragraph (6), omit “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”.

(21) Section 68(7) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 152, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(15) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 17.

(22) Section 76A(11) was inserted by the Crime (International Co-operation) Act 2003 (c.32), section 83 and amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 154, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 26 and the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), Schedule 6, paragraph 8.

(23) Section 81(1) was relevantly amended by the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 175(2)(c).

(24) Paragraph 2A was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(18).

(25) Schedule 2 was relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 156, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 29(1) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(19).