

These notes relate to the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) which received Royal Assent on 28 September 2000

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Surveillance Commissioners

Section 2: Surveillance Commissioners

15. This section provides for the appointment of a Chief Surveillance Commissioner and for the number of ordinary Surveillance Commissioners that the Scottish Ministers think fit to provide independent judicial oversight of the powers in the Act.
16. *Subsection (2)* provides that the Commissioners appointed under the Act must hold or have held high judicial office.
17. *Subsections (4) and (5)* provide that each Commissioner is to be appointed for a period of 3 years and that they may be re-appointed at the end of this term. *Subsections (6) and (7)* provide for the circumstances in which a Commissioner can be removed from office before the period of appointment expires. The Scottish Ministers may remove a Commissioner from office if the Commissioner becomes subject to a bankruptcy order, a disqualification order under the Company Directors Disqualification Act 1986 or is sentenced to imprisonment. The Scottish Parliament can also remove a Commissioner if it passes a resolution to that effect.
18. *Subsection (8)* provides that the Commissioners shall be paid for their duties under this Act by Scottish Ministers.
19. Under *subsection (9)* Scottish Ministers may provide the Commissioners with staff as Scottish Ministers see fit.
20. Under *subsection (10)* the decisions of the Chief Surveillance Commissioner or decisions of ordinary Surveillance Commissioners can not be appealed against, and cannot be questioned in court. An exception to this is appeals against the decisions of ordinary Surveillance Commissioners to the Chief Surveillance Commissioner under section 16 of the Act.