

# REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Codes of practice*

#### **Section 24: Issue and revision of codes of practice**

102. This sections deals with the issuing of one or more codes of practice to explain in greater detail the practical arrangements relating to the use of the provisions of this Act.
103. *Subsections (1) and (2)* require the Scottish Ministers to issue one or more codes of practice covering the powers and duties in this Act and those relating to interference with property or wireless telegraphy under Part III of the Police Act 1997.
104. *Subsections (3) and (4)* require the Scottish Ministers to consult on any code of practice and lay a draft of the code of practice before Parliament.
105. *Subsection (5)* provides that a code of practice issued by the Scottish Ministers under this section shall not be brought into force except in accordance with an order made by them. *Subsection (6)* provides that such an order may contain transitional provisions and savings in connection with the bringing into force of the code of practice.
106. *Subsection (7)* provides that the Scottish Ministers may from time to time revise the whole or any part of a code and issue the revised code.
107. *Subsection (8)* provides that the provisions of subsections (3) to (6) apply (with appropriate modifications) in relation to the issue of any revised code as they apply in relation to the first issue of such a code.
108. *Subsection (9)* sets out the Parliamentary procedure for making an order under subsection (5). A draft of the order must be laid before and approved by a resolution of the Scottish Parliament before the order may be made.

#### **Section 25: Interim codes of practice**

109. This section gives statutory effect to interim codes of practice. An interim code will have effect from its date of issue until it is superseded by a code issued in accordance with section 24.

#### **Section 26: Effect of codes of practice**

110. *Subsection (1)* requires any person to take account of any applicable code of practice issued under sections 24 or 25 while exercising or performing any power or duty under this Act.

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

111. *Subsection (2)* explains that a failure to comply with a code of practice issued under sections 24 or 25 will not of itself constitute a criminal offence or give rise to liability in civil proceedings.
112. *Subsection (3)* allows the evidential use of a code of practice in court.
113. *Subsection (4)* requires that, where relevant, the statutory bodies described in this subsection must take into account the provisions of a code of practice.