



# Regulation of Investigatory Powers (Scotland) Act 2000

## 2000 asp 11

### *Codes of practice*

#### **26 Effect of codes of practice**

- (1) A person exercising or performing any power or duty in relation to which provision may be made by a code of practice under section 24 or 25 above shall, in doing so, have regard to the provisions (so far as they are applicable) of every code of practice for the time being in force under that section.
- (2) A failure on the part of any person to comply with any provision of a code of practice for the time being in force under section 24 or 25 above shall not of itself render the person liable to any criminal or civil proceedings.
- (3) A code of practice in force at any time under section 24 or 25 above shall be admissible in evidence in any criminal or civil proceedings.
- (4) If any provision of a code of practice issued under section 24 or 25 or revised under section 24(7) above appears to—
  - (a) the court or tribunal conducting any civil or criminal proceedings;
  - (b) the [<sup>F1</sup>Investigatory Powers Commissioner] carrying out any of the functions of that Commissioner under this Act; or
  - (c) [<sup>F2</sup>a Judicial Commissioner (other than the Investigatory Powers Commissioner)] carrying out the functions of that Commissioner under this Act insofar as relating to [<sup>F3</sup>the Police Service][<sup>F4</sup>or the Police Investigations and Review Commissioner],

to be relevant to any question arising in the proceedings, or in connection with the exercise of that jurisdiction or the carrying out of those functions, in relation to a time when it was in force, that provision of the code shall be taken into account in determining that question.

#### **Textual Amendments**

- F1** Words in s. 26(4)(b) substituted (1.9.2017) by *Investigatory Powers Act 2016* (c. 25), s. 272(1), **Sch. 10 para. 93(a)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 26. (See end of Document for details)

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- F2** Words in s. 26(4)(c) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 93(b)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)
- F3** Words in s. 26(4)(c) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 15(13)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Words in s. 26(4)(c) inserted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 15(13)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation of Investigatory Powers (Scotland) Act 2000, Section 26.