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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 56**

**INVESTIGATORY POWERS**

**The Regulation of Investigatory Powers (Prescription  
of Ranks and Positions) (Scotland) Order 2016**

*Made* - - - - 27th January 2016  
*Laid before the Scottish  
Parliament* - - - - 29th January 2016  
*Coming into force* - - 7th March 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by section 8 (1) of the Regulation of Investigatory Powers (Scotland) Act 2000<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Prescription of Ranks and Positions) (Scotland) Order 2016 and comes into force on 7th March 2016.

(2) In this Order—

“relevant public authority” means the Scottish Administration.

**Prescription of ranks and positions**

2. This Order prescribes the following ranks and positions within the relevant public authority, for the purposes of section 8(1) of the Regulation of Investigatory Powers (Scotland) Act 2000—

- (a) the head of the Scottish Food Crime and Incidents Unit in Food Standards Scotland<sup>(2)</sup>; and
- (b) all ranks and positions within Food Standards Scotland senior to that prescribed in paragraph (2)(a).

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<sup>(1)</sup> 2000 asp 11.

<sup>(2)</sup> Food Standards Scotland is established by section 1 of the Food (Scotland) Act 2015 (asp 1) and is part of the Scottish Administration by virtue of article 2 of the Food (Scotland) Act 2015 (Consequential Provisions) Order 2015/444.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
27th January 2016

*MICHAEL MATHESON*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order prescribes ranks and positions for the purpose of section 8(1) of the Regulation of Investigatory Powers (Scotland) Act 2000 ([asp 11](#)) (“the 2000 Act”). Under that section individuals holding such ranks and positions may grant authorisations under sections 6 and 7 of the 2000 Act for the use of directed surveillance and covert human intelligence sources respectively. Specifically, Article 2 (1) (a) prescribes the Head of the Scottish Food Crime and Incidents Unit (SFCIU) in Food Standards Scotland (FSS), and Article 2 (1) (b) prescribes all those in FSS in ranks or positions more senior to the Head of the SFCIU, for those purposes.

The Scottish Administration is a relevant public authority for the purposes of section 8 of the 2000 Act. Food Standards Scotland is part of the Scottish Administration by virtue of the Food (Scotland) Act 2015 (Consequential Provisions) Order 2015.