

SCHEDULE 1

Article 2

FUNCTIONS TO BE TREATED AS BEING, OR NOT BEING, EXERCISABLE IN OR AS REGARDS SCOTLAND

Interpretation

1. In this Schedule, “the 2000 Act” means the Regulation of Investigatory Powers Act 2000⁽¹⁾.

Functions under the 2000 Act

2.—(1) The functions of the Secretary of State under section 5 of the 2000 Act (interception with a warrant) are, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where the warrant under section 5 of the 2000 Act—

- (a) authorises or requires the person to whom it is addressed to secure interception in accordance with paragraph (a) of section 5(1), or interception in accordance with that paragraph and disclosure in accordance with section 5(1)(d); and
- (b) names or describes, in accordance with section 8(1), a person who is, or a set of premises which is (or, in either case, is reasonably believed by the Secretary of State to be) located in Scotland at the time when the warrant is issued.

3.—(1) The functions of the Secretary of State under sections 9(1)(b) and (3), 10(1)(a) and (2) and 15(1) of the 2000 Act (duration, cancellation, modification and renewal of warrants etc. and general safeguards) are, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where—

- (a) the function is exercisable in relation to a warrant issued under section 5 of the 2000 Act; and
- (b) the function of issuing such a warrant is, under paragraph 2 above, to be treated for the purposes of section 63 of the 1998 Act as a case where the function is, for those purposes, treated as being exercisable in or as regards Scotland.

4.—(1) The functions of the Secretary of State under sections 32 (authorisation of intrusive surveillance) and 42 (intelligence services authorisations) of the 2000 Act are, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where the grant by the Secretary of State of an authorisation for the carrying out of intrusive surveillance under section 32 of the 2000 Act is made by a warrant issued under section 42 of that Act and would authorise conduct

(1) 2000 c. 23.

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that is carried out in relation to residential premises or any private vehicle which is (or, in either case, reasonably believed by the Secretary of State to be) located in Scotland at the time when the warrant is issued.

5.—(1) The functions of the Secretary of State under sections 44(1) and (2)(b) and 45(1) (a) (special rules for issue and renewal of intelligence services authorisations, cancellation of authorisations) of the 2000 Act are, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if they are exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where—

- (a) the function is exercisable in relation to the grant by the Secretary of State of an authorisation for the carrying out of intrusive surveillance under section 32 of the 2000 Act which is made by a warrant issued under section 42 of that Act; and
- (b) the function of issuing such a warrant is, under paragraph 4 above, to be treated for the purposes of section 63 of the 1998 Act as a case where the function is, for those purposes, treated as being exercisable in or as regards Scotland.

Functions in relation to pipe-lines

6.—(1) Functions under the enactments mentioned in sub-paragraph (2) below shall, for the purposes of section 63 of the 1998 Act, be treated—

- (a) as being exercisable in or as regards Scotland so far as they relate to pipe-lines which begin and end in Scotland, but
- (b) as otherwise not exercisable in or as regards Scotland.

(2) Those enactments are—

- (a) section 9(3)(a) of, and Parts I and III of Schedule 3 to, the Gas Act 1986(2);
- (b) the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(3); and
- (c) the Pipe-line Works (Environmental Impact Assessment) Regulations 2000(4).

(2) 1986 c. 44.
(3) S.I.1999/1672.
(4) S.I. 2000/1928.