
S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2003 No. 50

INVESTIGATORY POWERS

**The Regulation of Investigatory Powers (Prescription of
Offices, Ranks and Positions) (Scotland) Amendment (No. 2)
Order 2003**

Made 29th January 2003

Laid before the Scottish Parliament 30th January 2003

Coming into force in accordance with article 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by section 8(1) of the Regulation of Investigatory Powers (Scotland) Act 2000^(a) hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment (No. 2) Order 2003.

(2) This Order, except for article 3, shall come into force on 31st January 2003.

(3) Article 3 of this Order shall come into force on 28th February 2003.

Revocation

2. The Regulations of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2003^(b) is hereby revoked.

Amendment of the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000

3. In the Schedule to the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000(a), in column 2 for “*Fraud Investigation Unit: Head of Unit*” there is substituted “*NHSScotland Counter Fraud Services: Senior Investigator – RIP(S)A*”.

St Andrew’s House,
Edinburgh
29th January 2003

HUGH HENRY
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2000/343, amended by S.S.I. 2001/87.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and restates the provisions in the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2003 (S.S.I. 2003/20) (“the First Amendment Order”).

The First Amendment Order was defective because article 1 did not specify the date in February 2003 when it was to come into force.

Article 2 of this Order, which revokes the First Amendment Order, comes into force on 31 January 2003 so that it is clear that the First Amendment Order never came into force.

Article 3 of this Order amends the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000. That Order prescribes offices, ranks and positions for the purposes of section 8(1) of the Regulation of Investigatory Powers (Scotland) Act 2000 under which individuals holding such offices, ranks or positions are designated persons for the purposes of granting authorisations under either section 6 of that Act for directed surveillance or section 7 for covert human intelligence sources.

The amendment substitutes the reference to persons holding the office, rank or position of Head of Unit in the Fraud Investigation Unit of the Common Services Agency of the Health Service with a reference to persons holding the office, rank or position of Senior Investigator – RIP(S)A in NHSScotland Counter Fraud Services.

These changes reflect the change of name of the body concerned and the need for additional officers to be designated in relation to its functions. Article 3 comes into force on 28 February 2003.

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