

2020 No. 361

INVESTIGATORY POWERS

**The Regulation of Investigatory Powers (Prescription of Offices,
etc. and Specification of Public Authorities) (Scotland)
Amendment Order 2020**

Made - - - - *9th November 2020*
Laid before the Scottish Parliament *10th November 2020*
Coming into force - - *21st December 2020*

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^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Amendment Order 2020 and comes into force on 21 December 2020.

Amendment of the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010

2.—(1) The Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010^(b) is amended in accordance with paragraph (2).

(2) In column 2 of the table in schedule 1, in the entry for Social Security Scotland, after “Chief Executive” insert—

“; a C1 grade Team Leader within the Fraud and Error Resolution Unit, other than the head of the team responsible for the submission of requests for authorisation”.

HUMZA YOUSAF
A member of the Scottish Government

St Andrew’s House,
Edinburgh
9th November 2020

(a) 2000 asp 11.

(b) S.S.I. 2010/350 which was relevantly amended by S.S.I. 2018/218. There are other amendments to schedule 1 that are not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 (“the 2010 Order”), which prescribes offices, ranks and positions for the purposes of section 8(1) of the Regulation of Investigatory Powers (Scotland) Act 2000 (“the 2000 Act”). Under that section individuals holding such offices, ranks and positions as are prescribed 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(2) of this Order prescribes persons within the Fraud and Error Resolution Unit of Social Security Scotland (“the Unit”) who hold the position of Team Leader at C1 grade, other than the leader of the team within the Unit which makes authorisation requests. Any person holding a more senior position within the Unit would also be able to grant authorisations, by virtue of article 2(3) of the 2010 Order.

Social Security Scotland is part of the Scottish Administration. The Scottish Administration is a relevant public authority for the purposes of section 8 of the 2000 Act.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

S202011091012 11/2020 19585

<http://www.legislation.gov.uk/id/ssi/2020/361>

ISBN 978-0-11-104723-1



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