

SCHEDULE 1

FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: GENERAL

Intelligence Services Act 1994 (c. 13)

15.—(1) The function of the Secretary of State under section 5 of the Intelligence Services Act 1994 (warrants: general) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if it is 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 said Act of 1994 would authorise—

- (a) the taking of action in respect of heritable property situated in Scotland or any moveable property which is located, or is reasonably believed by the Secretary of State to be located, in Scotland at the time when the warrant is issued; or
- (b) the taking of action in respect of interference with wireless telegraphy where the action amounting to interference takes place in Scotland.

(3) Any function of the Secretary of State under section 6(3) or (4) of the said Act of 1994 (warrants: procedure and duration, etc.) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if it is exercisable in the class of case mentioned in sub-paragraph (4) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(4) 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 said Act of 1994; and
- (b) the function of issuing such a warrant is, under sub-paragraphs (1) and (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.