

MEMORANDUM OF UNDERSTANDING ON THE EXECUTION  
OF SEARCH WARRANTS IN THE PREMISES OF MEMBERS  
OF THE SCOTTISH PARLIAMENT AT HOLYROOD BETWEEN  
THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE,  
LOTHIAN AND BORDERS POLICE AND  
THE SCOTTISH PARLIAMENT

## **Preamble**

1. This Memorandum of Understanding records the agreement of the Area Procurator Fiscal for Lothian and Borders on behalf of the Crown Office and Procurator Fiscal Service, the Chief Constable of Lothian and Borders on behalf of the Association of Chief Police Officers in Scotland and the Chief Executive of the Scottish Parliament on the process to be followed where police officers from a force in Scotland propose to carry out a search on premises occupied by or used by a Member of the Scottish Parliament at the premises of the Scottish Parliament at Holyrood (hereinafter referred to as the Scottish Parliament).

## **Scope**

2. This Memorandum of Understanding relates only to material generated by, held on behalf of, or in the possession of Members of the Scottish Parliament at the premises of the Scottish Parliament at Holyrood, Edinburgh, whether in hard-copy or electronic format, or any other evidence which it is believed is in the possession of the Member at the Scottish Parliament.

## **Obtaining a Search Warrant**

3. A police officer who proposes to search for and take possession of, for the purposes of a criminal investigation, material held by a Member of the Scottish Parliament at the Scottish Parliament shall, in the first place, seek to obtain a warrant permitting the search and taking possession of the material.
4. A police officer in Scotland who proposes to obtain and execute a search warrant relating to premises occupied by or used by a Member of the Scottish Parliament should consult and seek support of the Duty Chief Officer (an Assistant Chief Constable /Deputy Chief Constable) of Lothian and Borders Police who would be responsible for assisting and facilitating a search, before submitting an application to the Procurator Fiscal at Edinburgh who has jurisdiction for the obtaining of warrants from a Sheriff of the Sheriffdom of Lothian and Borders in relation to the premises of the Scottish Parliament.
5. Where support is secured, the police officer must consult the Procurator Fiscal at Edinburgh before submitting an application for a search warrant to be obtained. This will provide an opportunity for the Procurator Fiscal at Edinburgh to provide advice in relation to the criminal investigation for which a search warrant is sought.
6. Where the Procurator Fiscal at Edinburgh agrees that an application is appropriate, the police officer will submit an application to the Procurator Fiscal at Edinburgh, or a different Procurator Fiscal identified as having jurisdiction over the criminal investigation, who will then make

arrangements for an appropriate search warrant to be sought from a Sheriff having jurisdiction over the criminal investigation.

#### **Prior to Execution of a Search Warrant**

7. Where a search warrant is granted in relation to the premises of the Scottish Parliament, the Procurator Fiscal at Edinburgh will normally, except where the circumstances of the investigation do not permit, advise the Solicitor to the Scottish Parliament (or in her absence the Main Security Control room at the Scottish Parliament who will contact the Senior Official designated as Incident Team Manager for that day) that a warrant has been granted in order to facilitate access and entry to the Scottish Parliament. The Solicitor, or Incident Team Manager, will advise the Presiding Officer or one of the Deputy Presiding Officers that a warrant has been granted. Where possible, the Procurator Fiscal will advise as soon as possible of the date when it is to be executed.

#### **Execution of a Search Warrant**

8. When a search warrant is executed at the Scottish Parliament, the Solicitor to the Scottish Parliament or her representative shall make arrangements to permit the police to have access to the Member's office and any other part of the Scottish Parliament where it is believed that material or evidence may be held by a Member.
9. Furthermore, the Solicitor to the Scottish Parliament shall make arrangements for a member of his or her staff to be present during the search to facilitate and observe the execution of the search warrant on behalf of the Scottish Parliament.