

2002 No. 292

INVESTIGATORY POWERS

**Regulation of Investigatory Powers (Prescription of Offices,
Ranks and Positions) Order (Northern Ireland) 2002**

Made - - - - - 18th September 2002

Coming into operation 24th October 2002

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred on it by sections 30(1) and (3) and 31 of the Regulation of Investigatory Powers Act 2000(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order (Northern Ireland) 2002 and shall come into operation on 24th October 2002.

(2) In this Order “the 2000 Act” means the Regulation of Investigatory Powers Act 2000.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Prescribed offices, ranks and positions

2.—(1) The offices, ranks and positions listed in column 2 of the Schedule (being offices, ranks or position with the relevant public authorities in column 1) are hereby prescribed for the purposes of section 30(1) of the 2000 Act.

(2) Subject to paragraph (3), where an office, rank or position with a relevant public authority is prescribed by virtue of paragraph (1), all more senior offices, ranks or positions with that authority are also prescribed.

(3) Where an office, rank or position with a relevant public authority is described in column 2 of the Schedule by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (2) to all more senior offices, ranks or positions with that public authority is a reference to all more senior offices, ranks or positions in that agency, unit, branch, division or part.

Additional offices etc prescribed for urgent cases

3.—(1) The additional offices, ranks and positions listed in column 3 of the Schedule (being offices, ranks or positions with the relevant public authorities in column 1) are hereby prescribed for the purposes of section 30(1) of the 2000 Act, for the cases described in this Article.

(a) 2000 c. 23: Schedule 1 to the Regulation of Investigatory Powers Act 2000 was amended by S.R. 2002 No. 183
(b) 1954 c. 33 (N.I.)

(2) An individual holding an office, rank or position which is prescribed by virtue of paragraph (1) may only grant an authorisation where it is not reasonably practicable having regard to the urgency of the case for the application to be considered by an individual in the same authority holding an office, rank or position prescribed by Article 2.

(3) Where an office, rank or position with a relevant public authority is described in column 2 of the Schedule by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (2) to an individual in the same authority is a reference to an individual in that agency, unit, branch, division or part.

Restricted prescriptions for certain cases

4. Where an entry in columns 2 or 3 of the Schedule is headed by the words “Section 28 authorisation”, the prescriptions by virtue of Articles 2 and 3 apply only in relation to section 28 of the 2000 Act.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 18th September 2002.

(L.S.)

C. F. Stewart

A Senior Officer of the office of the First Minister and deputy First Minister

SCHEDULE

Articles 2 to 4

PART I

PRESCRIPTIONS FOR PUBLIC AUTHORITIES WHICH ARE RELEVANT PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTIONS 28 AND 29

(1) <i>Relevant public authorities</i>	(2) <i>Prescribed offices etc</i>	(3) <i>Urgent Cases</i>
The Department of Agriculture and Rural Development	Grade 7 responsible for DARD Investigation Unit	
	<i>Section 28 authorisation</i> Head of the Food Service	
	<i>Section 28 authorisation</i> Branch Head – Private Woodlands and Plant Health Branch	
	<i>Section 28 authorisation</i> Field Senior Principal Veterinary Officer, Veterinary Division	
	<i>Section 28 authorisation</i> Senior Fisheries Officer, Fisheries Division	<i>Section 28 authorisation</i> Fisheries Officer I
The Department of Enterprise, Trade and Investment	Chief Inspector, Trading Standards Service	Deputy Chief Inspector Trading Standards Service
	<i>Section 28 authorisation</i> Director of Insolvency, Insolvency Service	<i>Section 28 authorisation</i> Grade 7, Insolvency Service
The Department of the Environment	Chief Executive, Environment & Heritage Service (EHS)	Director of Natural Heritage (EHS) Director of Built Heritage (EHS) Chief Inspector, Industrial Pollution, Radiochemical Inspectorate Head of Water Quality
	<i>Section 28 authorisation</i> Chief Executive, Planning Service	<i>Section 28 authorisation</i> Director, Planning Service
	<i>Section 28 authorisation</i> Senior Professional and Technical Officer, Driver and Vehicle Testing Agency	<i>Section 28 authorisation</i> Higher Professional and Technical Officer, Driver and Vehicle Testing Agency
A district council	Chief Executive	Chief Officer
The Food Standards Agency	Head of Professional Services	Head of Policy and Legislation

PART II

PRESCRIPTIONS FOR PUBLIC AUTHORITIES WHICH ARE RELEVANT PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 28 ONLY

(1) <i>Relevant public authorities</i>	(2) <i>Prescribed offices etc</i>	(3) <i>Urgent Cases</i>
The Foyle, Carlingford and Irish Lights Commission	Chief Inspector of the Loughs Agency	Inspector of the Loughs Agency
The Department for Regional Development	Head of Central Claims Unit	Deputy Head of Central Claims Unit
The Health and Safety Executive for Northern Ireland	Principal Inspector	
The Department of Health, Social Services and Public Safety	Chief Executive Health Estates Agency	
	Chief Pharmaceutical Officer	
	Chief Dental Officer	
The Northern Ireland Central Services Agency for Health and Social Services	Chief Executive	
The Fire Authority for Northern Ireland	Chief Fire Officer	Responsible Principal Officer (uniformed)
A Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(a)	Chief Executive	
A Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(b)	Chief Executive	
The Department of Culture, Arts and Leisure	Deputy Chief Fisheries Officer, Inland Waterways and Inland Fisheries Branch	Fisheries Senior Officer, Inland Waterways and Inland Fisheries Branch
The Fisheries Conservancy Board for Northern Ireland	Deputy Chief Executive	
The Department for Social Development	Human Rights Manager, Social Security Agency	Human Rights Officer, Social Security Agency
	Senior Child Support Agency Investigation Service Manager	Child Support Agency Investigation Service Manager
Northern Ireland Housing Executive	Adviser to the Director of Finance	

(a) S.I. 1991/194 (N.I. 1)

(b) S.I. 1972/1265 (N.I. 14)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prescribes offices, ranks and positions for the purposes of section 30(1) of the Regulation of Investigatory Powers Act 2000 (“the 2000 Act”), under which individuals holding such offices, ranks or positions are designated persons for the purposes of granting authorisations under sections 28 and 29 of the 2000 Act.

An individual holding an office, rank or position listed in column 2 of Part I of the Schedule to the Order, with a public authority listed in column 1, or a more senior office, rank or position, may grant authorisations under either section 28 or section 29 unless otherwise indicated in the Schedule.

The public authorities listed in column 1 of Part II of the Schedule to the Order are the authorities listed in Part II of Schedule 1 to the Regulation of Investigatory Powers Act 2000. Such authorities are relevant public authorities for the purposes of section 28 only. An individual holding an office, rank or position listed in column 2 with such an authority, or a more senior office, rank or position, may only grant authorisations under section 28.

Additional offices, ranks and positions are prescribed for urgent cases.

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