Draft Order laid before Parliament under section 25(5) of the Regulation of Investigatory Powers Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Communications Data) (Amendment) Order 2005

Made - - - -	*2005*
Coming into force in accordance with article 1(2) and (3)	

The Secretary of State, in exercise of the powers conferred upon him by paragraph (g) of the definition of "relevant public authority" in section 25(1) of the Regulation of Investigatory Powers Act 2000(**1**) and by sections 25(2), (3) and (4) and 78(5) of that Act, hereby makes the following Order (a draft of which has been approved by resolution of each House of Parliament):

Citation and commencement

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Communications Data) (Amendment) Order 2005.

(2) Subject to paragraph (3), this Order shall come into force one month after the day on which it is made.

(3) Article 2(3) of this Order shall come into force on the day on which either—

(a) the other provisions of this Order come into force, or

(b) paragraph 8 of Schedule 14 to the Energy Act 2004(**2**) comes into force,

whichever is the later.

Amendment of the Regulation of Investigatory Powers (Communications Data) Order 2003

2.—(1) Part 1 of Schedule 2 (individuals in additional public authorities that may acquire all types of communications data within section 21(4) of the Regulation of Investigatory Powers Act 2000) to the Regulation of Investigatory Powers (Communications Data) Order 2003(**3**) is amended as follows.

(**1**) 2000 c. 23.
(**2**) 2004 c. 20.
(**3**) S.I.2003/3172.

(2) For the entry for the Scottish Crime Squad, substitute—

"The Scottish Drug Enforcement Agency, meaning the organisation known by that name and	Superintendent, Grade PO7 or any individual on secondment to the	Inspector or any individual on secondment to the Scottish Drug	(b)(d)(g)
established under section 36(1)(a)(ii) of the Police (Scotland) Act 1967(**4**)	Scottish Drug Enforcement Agency who holds the rank of Superintendent or Grade PO7 with the police force from which that person is seconded	Enforcement Agency who holds the rank of Inspector with the police force from which that person is seconded".	

(3) For the entry for the United Kingdom Atomic Energy Authority Constabulary, substitute—

"The Civil Nuclear Constabulary	Superintendent	Inspector	(a)(b)".

(4) Delete the entry for the Department of Trade and Industry.

(5) After the entry for the Office of the Police Ombudsman for Northern Ireland, add the following entries—

"The Independent Police Complaints Commission	Commissioner, Regional Director, Director of Investigations or Deputy Director of Investigations	—	(b)
The Office of Communications	Senior Enforcement Policy Manager	—	(b)
The force comprising the special constables appointed under section 79 of the Harbours, Docks and Piers Clauses Act 1847(**5**) on the nomination of the Dover Harbour Board	Superintendent	Inspector	(a)(b)(d)(e)
The force comprisingthe constables appointed under article 3 of	Superintendent	Inspector	(a)(b)(d)(e)".

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***Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Regulation of Investigatory Powers (Communications Data) (Amendment) Order 2005 No. 1083*

the Mersey Docks
and Harbour (Police)
Order 1975(**6**) on the
nomination of the
Mersey Docks and
Harbour Company

Home Office
2005   Parliamentary Under-Secretary of State

(**6**)   S.I. 1975/1224.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 1 of Schedule 2 to the Regulation of Investigatory Powers (Communications Data) Order 2003 ("the 2003 Order").

This Order adds four new entries to the 2003 Order. Column 1 of the table inserted by article 2(5) of this Order into the 2003 Order specifies the Independent Police Complaints Commission, the Office of Communications, the Port of Dover Police and the Port of Liverpool Police as relevant public authorities for the purpose of section 25(1) of the Regulation of Investigatory Powers Act 2000 ("the Act"). Column 2 of the table designates which persons within those authorities may authorise or require the acquisition of communications data under the provisions of Chapter 2 of Part 1 of the 2000 Act (persons senior to those designated are also entitled to authorise or require the acquisition of communications data). Column 3 of the table designates which persons may authorise or require the acquisition only of communications data falling within section 21(4)(c) of the Act. By virtue of column 4 of the table, those entitled to authorise or require the acquisition of communications data within the newly specified public authorities are only so entitled if it is necessary to obtain the data on the particular grounds specified.

Article 2(2) of this Order adds further prescribed offices etc. in relation to the Scottish Drug Enforcement Agency (which has replaced the Scottish Crime Squad in relation to investigatory powers), including some civilian grades and certain persons on secondment.

The Energy Act 2004 reforms the governance arrangements of the United Kingdom Atomic Energy Authority Constabulary and provides for the transfer of its members to the Civil Nuclear Constabulary, to be established under that Act. Article 2(3) of this Order makes a corresponding change to the Schedule to the 2003 Order, and this provision will come into force on the day that paragraph 8 of Schedule 14 to the Energy Act 2004 (which amends the 2000 Act to substitute references to the Civil Nuclear Constabulary for references to the United Kingdom Atomic Energy Authority Constabulary) is commenced.

Finally, article 2(4) of this Order deletes the entry in Part 1 of Schedule 2 to the 2003 Order relating to the Department of Trade and Industry, as the Radiocommunications Agency no longer exists.