

*Draft Order laid before Parliament under section 14(2) of the Official Secrets Act 1989, for approval
by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2007 No.

OFFICIAL SECRETS

The Official Secrets Act 1989
(Prescription) (Amendment) Order 2007

<i>Made</i>	- - - -	2007
<i>Coming into force</i>	- -	2007

The Secretary of State makes the following Order in exercise of the powers conferred upon him by section 12(1)(f) of the Official Secrets Act 1989(1), having regard to the definition of “prescribed” in section 13(1).

In accordance with section 14(2) of that Act a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Official Secrets Act 1989 (Prescription) (Amendment) Order 2007 and shall come into force on the expiry of one month beginning with the day on which it is made.

Amendments to the Official Secrets Act 1989 (Prescription) Order 1990

2.—(1) The Official Secrets Act 1989 (Prescription) Order 1990(2) (“the Order”) shall be amended as follows.

(2) In article 2, after “bodies”, in the first place at which the word occurs, insert “or classes of bodies”.

(3) After article 2 insert—

“2A. In Schedule 1, “subsidiary” has the same meaning as in the Companies Act 1985(3).”

(4) At the end of Schedule 1 to the Order, insert—

(1) 1989 c.6.
(2) S.I. 1990/200, as amended by S.I. 1993/847, S.I. 1999/1042, S.I. 2003/1918, S.I. 2004/1823 and S.I. 2006/362.
(3) 1985 c.6.

The Nuclear Decommissioning Authority	The members and employees of the Authority
Any subsidiary of the Nuclear Decommissioning Authority	The employees of the subsidiary
The Board of any subsidiary of the Nuclear Decommissioning Authority	The members of the Board
The Independent Police Complaints Commission	The members and employees of the Commission

Ministry of Justice
Date

Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends The Official Secrets Act 1989 (Prescription) Order 1990 by adding, to those who are treated as Crown servants for the purposes of the Official Secrets Act 1989 (“the Act”), the members and employees of the Nuclear Decommissioning Authority (the “NDA”), the board members and employees of any subsidiary companies of the NDA and the members and employees of the Independent Police Complaints Commission (the “IPCC”). Accordingly, the information which they hold by virtue of their position as persons prescribed by this Order becomes information to which the Act applies if it otherwise falls within the relevant sections (1 to 4 and 8), and such persons will be treated as if they were Crown servants for the purposes of the provisions of the Act relating to the prosecution of offenders and the authorisation of disclosures. The NDA was set up under section 1 of the Energy Act 2004, and the IPCC under section 9 of the Police Reform Act 2002.