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STATUTORY INSTRUMENTS

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**2001 No. 1126**

**INVESTIGATORY POWERS**

**The Regulation of Investigatory Powers  
(Designation of Public Authorities for the  
Purposes of Intrusive Surveillance) Order 2001**

*Made* - - - - *21st March 2001*  
*Coming into force* - - *22nd March 2001*

The Secretary of State, in exercise of the powers conferred on him by section 41(3) and (4) of the Regulation of Investigatory Powers Act 2000<sup>(1)</sup>, hereby makes the following Order of which a draft has, in accordance with section 41(6) of that Act<sup>(2)</sup>, been laid before and approved by resolution of each House of Parliament:

**Citation and commencement**

1. This Order may be cited as the Regulation of Investigatory Powers (Designation of Public Authorities for the Purposes of Intrusive Surveillance) Order 2001 and shall come into force on the day after the day on which it is made.

**Designated public authority**

2. The Home Office is hereby designated for the purposes of section 41 of the Regulation of Investigatory Powers Act 2000, as a public authority whose activities may require the carrying out of intrusive surveillance.

**Prescribed offices, ranks and positions**

3.—(1) In relation to the Home Office, an application for an authorisation for the carrying out of intrusive surveillance may be made by an individual holding an office, rank or position with the Home Office only where his office, rank or position is prescribed by paragraph (2).

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(1) 2000 c. 23.

(2) By virtue of section 41(6) of the Regulation of Investigatory Powers Act 2000 (c. 23), a draft of the order containing a designation under section 41(3) must be laid before Parliament and approved by resolution of each House. By virtue of section 78(3) an order which would otherwise be subject to annulment in pursuance of a resolution of either House of Parliament, is not so subject to annulment, where it contains an order a draft of which has been approved for the purposes of section 41(6).

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**Status:** This is the original version (as it was originally made). UK  
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(2) The offices, ranks and positions prescribed by this paragraph are all offices, ranks and positions in Her Majesty's Prison Service.

Home Office  
21st March 2001

*Charles Clarke*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The effect of article 2 of this Order is to designate the Home Office as an authority whose activities may require the carrying out of intrusive surveillance.

The effect of article 3 of this Order is that only individuals holding an office, rank or position in Her Majesty's Prison Service may make applications to the Secretary of State for intrusive surveillance authorisations.