
EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends Schedule 1 to the Regulation of Investigatory Powers Act 2000 (“the Act”) by inserting new paragraphs 4A and 4B and omitting paragraph 25 of that Schedule. The effect of the addition is that the Port of Dover Police and the Port of Liverpool Police are now relevant public authorities for the purposes of section 28 and 29 of the Act, and thereby have the power to authorise directed surveillance and the use and conduct of covert human intelligence sources. The effect of omitting paragraph 25 is that a Health Authority established under section 8 of the National Health Service Act 1977 (c. 49) is no longer a relevant public authority for the purposes of section 28 of the Act, and thus no longer has the power to authorise directed surveillance.

Article 3 of this Order amends Part 1 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (“the 2003 Order”). Article 3(2) and (6) add new entries relating to the Port of Dover Police and the Port of Liverpool Police and the Office of Communications. Article 3(4) omits the entries relating to the Radiocommunications Agency, as this Agency no longer exists. Article 3(5) omits many of the prescribed offices etc. within the entry for the Department for Transport, on the basis that there is no longer any need for these powers by those parts of the department.

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. Paragraph 8(2) of Schedule 14 to the Energy Act 2004 amends Schedule 1 of the Regulation of Investigatory Act 2000 to reflect this change in relation to relevant authorities for the purposes of sections 28 and 29 of the Act. Article 3(3) of this Order makes a corresponding amendment to the Schedule to the 2003 Order. Article 3(3) 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.