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STATUTORY INSTRUMENTS

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**2010 No. 463**

**INVESTIGATORY POWERS**

**The Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010**

*Made* - - - - 25th February 2010

*Coming into force* - - 6th April 2010

This Order is made in exercise of the powers conferred on the Secretary of State by section 71(5) of the Regulation of Investigatory Powers Act 2000<sup>(1)</sup>.

The Secretary of State:

(1) has, in accordance with section 71(3) of that Act, prepared and published a draft revised code of practice relating to the exercise and performance of the powers and duties that are conferred or imposed otherwise than on the Surveillance Commissioners by or under Part 2 of that Act, section 5 of the Intelligence Services Act 1994<sup>(2)</sup> and Part 3 of the Police Act 1997<sup>(3)</sup> and considered representations made to him about it;

(2) has, in accordance with section 71(4) of that Act, laid before both Houses of Parliament a draft of that code revised to take account of those representations.

A draft of this Order has been approved by resolution of each House of Parliament in accordance with section 71(9) of that Act.

Accordingly, the Secretary of State makes the following Order—

**1.** This Order may be cited as the Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010 and shall come into force on 6<sup>th</sup> April 2010.

**2.** The code of practice entitled “Covert Surveillance and Property Interference”, laid before each House of Parliament in draft on 5th January 2010, relating to the carrying out of covert surveillance under Part 2 of the Regulation of Investigatory Powers Act 2000 and to interference with property or wireless telegraphy under section 5 of the Intelligence Services Act 1994 and Part 3 of the Police Act 1997, shall come into force on 6th April 2010.

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(1) [2000 c. 23](#).

(2) [1994 c. 13](#); section 5 has been amended by section 74 of the Regulation of Investigatory Powers Act [2000 \(c. 23\)](#).

(3) [1997 c. 50](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Home Office  
25th February 2010

*David Hanson*  
Minister of State

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## EXPLANATORY NOTE

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

This Order brings into force the revised code of practice prepared under section 71 of the Regulation of Investigatory Powers Act 2000 relating to the carrying out of covert surveillance under Part 2 of that Act and to interference with property or wireless telegraphy under section 5 of the Intelligence Services Act 1994 and Part 3 of the Police Act 1997. Under section 72(1) of the Regulation of Investigatory Powers Act 2000, a person exercising any power or duty in relation to which provisions may be made by a code of practice under section 71 must, in doing so, have regard to the code's provisions (as far as applicable).

The code of practice will be published by the Stationery Office Limited and copies may be obtained from The Stationery Office Bookshops. It will also be published on the Home Office website at [www.homeoffice.gov.uk/ripa/publication-search/ripa-cop/](http://www.homeoffice.gov.uk/ripa/publication-search/ripa-cop/).