
STATUTORY INSTRUMENTS

1990 No. 200

OFFICIAL SECRETS

The Official Secrets Act 1989 (Prescription) Order 1990

Made - - - - *9th February 1990*

Coming into force - - *1st March 1990*

In exercise of the powers conferred on me by sections 7(5), 8(9), 12 and 13(1) of the Official Secrets Act 1989(1), a draft of this instrument having been laid before Parliament and having been approved by each House of Parliament, I hereby make the following Order:

1. This Order may be cited as the Official Secrets Act 1989 (Prescription) Order 1990 and shall come into force on the day appointed for the coming into force of the Official Secrets Act 1989 (hereinafter referred to as “the Act”).

2. The bodies which are set out in the first column of Schedule 1 to this Order and the classes of members or employees of those bodies which are set out in the second column of that Schedule are hereby prescribed for the purposes of section 12(1)(f) of the Act (definition of “Crown servant”).

3. The offices which are set out in the first column of Schedule 2 to this Order and the classes of employees of the holders of those offices which are set out in the second column of that Schedule are hereby prescribed for the purposes of section 12(1)(g) of the Act (definition of “Crown servant”).

4. The bodies which are set out in the first column of Schedule 3 to this Order are hereby prescribed for the purposes of one or both of sections 7(5) and 8(9) of the Act as set out in the second column of that Schedule (so as to enable them, in the case of section 7(5), to give official authorisation for, or to impose official restrictions on, disclosures or, in the case of section 8(9), to give official directions for the return or disposal of documents).

Home Office
9th February 1990

David Waddington
One of Her Majesty’s Principal Secretaries of
State

Status: This is the original version (as it was originally made).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

SCHEDULE 1

Article 2

PRESCRIPTIONS: SECTION 12(1)(f)

British Nuclear Fuels plc	The employees of the Company
The Board of the above	The members of the Board
The United Kingdom Atomic Energy Authority	The members, officers and employees of the Authority
Urenco Limited	The employees of the Company
The Board of the above	The members of the Board

SCHEDULE 2

Article 3

PRESCRIPTIONS: SECTION 12(1)(g)

Comptroller and Auditor General	—
Member of staff of the National Audit Office	—
Comptroller and Auditor General for Northern Ireland	—
Member of staff of the Northern Ireland Audit Office	—
Parliamentary Commissioner for Administration	The officers of the Commissioner who are not otherwise Crown servants
Officer of the Health Service Commissioner for England or Scotland or Wales being an officer who is authorised by the Parliamentary Commissioner for Administration to perform any of his functions and who is not otherwise a Crown servant	—
Northern Ireland Parliamentary Commissioner for Administration	The officers of the Commissioner who are not otherwise Crown servants
A private secretary to the Sovereign	—

SCHEDULE 3

Article 4

PRESCRIPTIONS: SECTIONS 7(5) AND 8(9)

The Civil Aviation Authority	Sections 7(5) and 8(9)
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The Tribunal established under section 7 of the Section 7(5)
Interception of Communications Act 1985(2)

The Tribunal established under section 5 of the Section 7(5)
Security Service Act 1989(3)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes certain persons and bodies for the purposes of the Official Secrets Act 1989. The effect of the Order is that those persons who are prescribed, under articles 2 and 3, taken with Schedules 1 and 2 respectively, become Crown servants for all purposes of the Act. The relevant persons are those listed in the right-hand column of Schedule 1 and in both columns of Schedule 2. 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. Three bodies are prescribed under article 4, taken with Schedule 3. The Order enables them for the purposes of the Act to authorise or restrict disclosures and also, in one case, to direct the return or disposal of documents.

By virtue of article 1 this Order comes into force on the day on which the Act comes into force (1st March 1990).

(2) 1985 c. 56

(3) 1989 c. 5