
EXPLANATORY NOTE

(This note is not part of the Order)

Articles 2 and 3 of this Order amend Schedule 1 to the Regulation of Investigatory Powers Act 2000 (“the 2000 Act”) by adding to it a number of new public authorities. Designated individuals in the public authorities listed in Part I of Schedule 1 are entitled to authorise directed surveillance and the use and conduct of covert human intelligence sources under sections 28 and 29 of the 2000 Act, respectively. Designated individuals in the public authorities listed in Part II of Schedule 1 are only entitled to authorise directed surveillance under section 28 of the 2000 Act. Article 4 of this Order prescribes offices, ranks and positions for the purposes of section 30(1) of the 2000 Act for both the public authorities already in Schedule 1 and those added to it by this Order. Individuals holding these prescribed offices, ranks or positions are designated under sections 28 and 29 of the 2000 Act as able to authorise directed surveillance and the use and conduct of covert human intelligence sources. An earlier Order that prescribed offices, ranks and positions in the public authorities that were in Schedule 1 when the 2000 Act was passed is revoked by article 10 of this Order.

Column 1 of the Schedule to this Order lists the public authorities. Column 2 specifies the individuals within each public authority that can authorise directed surveillance and the use and conduct of covert human intelligence sources. An individual holding an office, rank or position listed in column 2 of Part I of the Schedule may grant an authorisation under either section 28 or section 29 of the 2000 Act, other than where the Schedule indicates to the contrary. An individual holding an office, rank or position listed in column 2 of Part II of the Schedule may only grant an authorisation under section 28 of the 2000 Act. Individuals holding more senior offices, ranks or positions to those listed in column 2 may also authorise in the same circumstances as those to whom they are senior. Column 3 sets out certain less senior officials who can authorise in urgent cases. Column 4 sets out the grounds on which an authorisation can be given by reference to the grounds set out in the different paragraphs of sections 28(3) and 29(3) of the 2000 Act. For example, ground (b) is for the purpose of preventing or detecting crime or of preventing disorder.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- schedule am by [S.I. 2007/1861 art 2 schedule](#)
- Sch. coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- Sch. revoked by [S.I. 2010/521 art. 10\(a\)](#)
- art. 1 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 2 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 3 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 4 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 4-11 revoked by [S.I. 2010/521 art. 10\(a\)](#)
- art. 5 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 6 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 7 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 8 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 9 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 10 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)
- art. 11 coming into force by [S.I. 2003/3171 art. 1\(1\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. Pt. 1 Table entries revoked by [S.I. 2006/594 Sch. para. 40\(2\)](#)
- Sch. Pt. 1 entry inserted by [S.I. 2007/2128 Sch. para. 19\(3\)](#)
- Sch. Pt. 1 entry omitted by [S.I. 2007/2128 Sch. para. 19\(2\)](#)
- Sch. Pt. 1 Table word inserted by [S.I. 2006/594 Sch. para. 40\(3\)\(d\)](#)
- Sch. Pt. 1 Table words inserted by [S.I. 2006/594 Sch. para. 40\(3\)\(a\)](#)
- Sch. Pt. 1 Table words inserted by [S.I. 2006/594 Sch. para. 40\(3\)\(b\)](#)
- Sch. Pt. 1 Table words inserted by [S.I. 2006/594 Sch. para. 40\(3\)\(c\)](#)
- Sch. Pt. 1 words inserted by [S.I. 2009/229 Sch. 2 para. 13](#)
- Sch. Pt. 1 words omitted by [S.I. 2009/229 Sch. 2 para. 13](#)
- Sch. Pt. 2 words substituted by [S.I. 2006/635 Sch. 2 para. 13](#)
- Sch. Pt. 1 words substituted by [S.I. 2007/1388 Sch. 1 para. 152](#)
- Sch. Pt. 1 words substituted by [S.I. 2009/462 Sch. 5 para. 10\(a\)](#)
- Sch. Pt. 1 words substituted by [S.I. 2009/462 Sch. 5 para. 10\(b\)](#)
- Sch. Pt. 1 words substituted by [S.I. 2009/462 Sch. 5 para. 10\(c\)](#)
- Schedule Pt I am by [S.I. 2005/1084 art 3\(1\)-\(3\) \(6\)](#)
- Schedule Pt I rev in pt by [S.I. 2005/1084 art 3\(1\)art 3\(4\)\(5\)](#)