
EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies Part II of the Regulation of Investigatory Powers Act 2000, with modifications, to the carrying out of surveillance to detect whether a television receiver is being used in any residential or other premises (referred to in the Order as “the detection of television receivers”).

Part II of the 2000 Act provides for the grant of authorisations for certain forms of surveillance. By virtue of section 26(6), the detection of television receivers is not one of the kinds of surveillance regulated by Part II. However, section 47 provides for that Part to be applied, or applied with modifications, to surveillance not otherwise covered. This Order is made under that section, and provides for authorisations to be granted for the detection of television receivers under a modified version of Part II. Authorisations may cover such detection in any part of the United Kingdom.

Article 2 modifies Part II by providing that certain of its provisions are not to apply to the detection of television receivers. Article 3 modifies Part II so that it has effect in relation to such detection as if the “section 27A” set out in that article were inserted in that Part. “Section 27A” provides for authorisations to be granted by persons holding certain positions within the BBC, if they are satisfied that the authorisation is necessary for preventing or detecting certain offences under section 1 or 1A of the Wireless Telegraphy Act 1949, or for assessing or collecting sums payable in respect of television licences. Article 4 modifies the general rules in section 43 about the grant, renewal and duration of authorisations and provides (in particular) that authorisations for the detection of television receivers are to last for up to eight weeks. Article 5 modifies the duty imposed by section 45 to cancel an authorisation where the requirements that were necessary for its grant or renewal no longer apply.