

*Draft Order laid before Parliament under section 14(2) of the Official Secrets Act 1989, for approval
by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2003 No.

OFFICIAL SECRETS

The Official Secrets Act 1989
(Prescription) (Amendment) Order 2003

Made - - - - 2003
Coming into force - - 2003

Whereas a draft of this Order has been approved by a resolution of each House of Parliament;
Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 7(5),
8(9) and 12(1)(f) of the Official Secrets Act 1989(1), having regard to the definition of “prescribed”
in section 13(1), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Official Secrets Act 1989 (Prescription) (Amendment) Order 2003 and shall come into force one month after the day on which it is made.

Amendments to the Official Secrets Act 1989 (Prescription) Order 1990

- 2.—(1) The Official Secrets Act 1989 (Prescription) Order 1990(2) shall be amended as follows.
- (2) At the end of Schedule 1 to that Order, add the entries in Schedule 1 to this Order.
- (3) For the entries in Schedule 3 to that Order, substitute the entries in Schedule 2 to this Order.

Home Office
2003

One of Her Majesty’s Principal Secretaries of
State

(1) 1989 c. 6.
(2) S.I.1990/200, as amended by S.I. 1993/847, S.I. 1999/1042, S.I. 1999/1351 and the Intelligence Services Act 1994 (c. 13),
Schedule 4, paragraph 5.

SCHEDULE 1

Article 2(2)

ENTRIES ADDED TO SCHEDULE 1 TO THE ORDER OF 1990

Enrichment Technology Company Limited	The employees of the Company
The Board of the above	The members of the Board
Enrichment Technology UK Limited	The employees of the Company
The Board of the above	The members of the Board
Urenco Enrichment Company Limited	The employees of the Company
The Board of the above	The members of the Board

SCHEDULE 2

Article 2(3)

ENTRIES SUBSTITUTED FOR ENTRIES IN SCHEDULE 3 TO THE ORDER OF 1990

The Civil Aviation Authority	Sections 7(5) and 8(9)
The Investigatory Powers Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000(3)	Section 7(5)

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

This Order amends the Official Secrets Act 1989 (Prescription) Order 1990 (“the 1990 Order”) by adding to those who become Crown servants for the purposes of the Act, the persons listed in the second Column of Schedule 1. 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.

In addition this Order replaces the entries in Schedule 3 to the 1990 Order with the entries in Schedule 2 to this Order. The effect of this is that the tribunals established under the Interception of Communications Act 1985, the Security Service Act 1989 and the Intelligence Services Act 1994 are replaced with the Investigatory Powers Tribunal established under the Regulation of Investigatory Powers Act 2000, which has assumed the functions of these tribunals. Bodies listed in Schedule 3 to the 1990 Order are entitled to authorise the disclosure of material under the Act.

(3) 2000 c. 23.

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Official Secrets Act 1989 (Prescription) (Amendment) Order 2003 No. 1918*