

Draft Order laid before Parliament under section 30(7) of the Regulation of Investigatory Powers Act 2000, for approval by resolution of each House.

DRAFT STATUTORY INSTRUMENTS

2006 No.

INVESTIGATORY POWERS

The Regulation of Investigatory Powers
(Directed Surveillance and Covert Human
Intelligence Sources) (Amendment) Order 2006

Made - - - -

Coming into force - -

The Secretary of State makes the following Order in exercise of the powers conferred on him by section 30(1), (3), (5) and (6) of the Regulation of Investigatory Powers Act 2000⁽¹⁾.

In accordance with section 30(7) of that Act, a draft of this Order has been laid before Parliament and approved by resolution of each House.

Citation and commencement

1. This Order may be cited as the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2006 and shall come into force on the expiry of two weeks beginning with the day on which it is made.

Amendment of Schedule 1 to the Regulation of Investigatory Powers Act 2000

2. After paragraph 20D(2) of Part 1 (relevant authorities for the purposes of sections 28 and 29) of Schedule 1 (relevant public authorities) to the Regulation of Investigatory Powers Act 2000 insert—

“**20E.** The Gangmasters Licensing Authority.

20F. The Commission for Healthcare Audit and Inspection.”.

3. In Part 2 (relevant authorities for the purposes only of section 28) of Schedule 1 to the Regulation of Investigatory Powers Act 2000 omit—

(a) paragraph 27 (a National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990⁽³⁾); and

(1) 2000 c.23.

(2) Paragraph 20D was inserted by article 2 of S.I. 2003/3171.

(3) 1990 c.19.

- (b) paragraph 27A (Local Health Boards in Wales established under section 6 of the National Health Service Reform and Health Care Professions Act 2002⁽⁴⁾).

Amendment of S.I. 2003/3171

4. The Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003⁽⁵⁾ (“the Schedule”) is amended by the Schedule to this Order.

Home Office
2006

Minister of State

(4) 2002 c.17; paragraph 27A was inserted by S.I. 2003/3171.
(5) S.I. 2003/3171, as amended by S.I. 2005/1084.

SCHEDULE

Article 4

Amendments to the Schedule to the Regulation of Investigatory Powers
(Directed Surveillance and Covert Human Intelligence Sources) Order 2003

PART 1

1. Part 1 (prescriptions for public authorities in Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000 that are relevant public authorities for the purposes of sections 28 and 29 of that Act) of the Schedule is amended as follows.

2.—(1) The entries for the Department for Environment, Food and Rural Affairs are amended as follows.

(2) In the first entry (Defra Investigation Branch) in column (2) (prescribed offices) for “Branch” substitute “Services”.

(3) Omit the second entry (Senior Counter Fraud Officer in the Counter Fraud and Compliance Unit of the Rural Payments Agency) in column (2).

(4) After the third entry (Centre for Environment, Fisheries and Aquacultural Science) insert in columns (2) and (4) (grounds)—

“ Section 28 authorisation —	(b)
District Inspector in Marine Fisheries Agency	
Section 29 authorisation —	(b)
Deputy Chief Inspector in Marine Fisheries Agency”	

(5) Omit the entries in column (2) in respect of—

- (a) Regional Horticultural Marketing Inspector in Horticultural Marketing Inspectorate;
- (b) Senior Plant Health and Seed Inspector in Plant Health and Seed Inspectorate;
- (c) Chief Egg Marketing Inspector in Egg Marketing Inspectorate; and
- (d) District Inspector in Sea Fisheries Inspectorate.

3.—(1) The entries for the Home Office are amended as follows.

(2) For the first and second entries in columns (2), (3) and (4) substitute—

“Operational manager Duty Governor in a (b)(d)”
responsible for security directly managed prison
and operations in a or Deputy Director in a
directly managed or contracted out prison
contracted out prison

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

4. At the end of the entries for the Department for Transport insert in columns (2) and (4)—

“Chief Executive of — the Driving Standards Agency	(d)”
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5. For the entry for the Gaming Board for Great Britain substitute:—

“The Gambling Director of — Commission Intelligence or Director of Monitoring and Enforcement	(b)”
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6. At the end of Part 1 insert—

“The Gangmasters Head of Enforcement — Licensing Authority	(b)
The Commission for Head of Operations in Area Manager Healthcare Audit and a region Inspection	(b) (e)”

PART 2

7. Part 2 (prescriptions for public authorities in Part 2 of Schedule 1 to the Regulation of Investigatory Powers Act 2000 that are relevant public authorities for the purposes only of section 28 of that Act) of the Schedule is amended as follows.

8. In the entry in respect of a Special Health Authority established under section 11 of the National Health Service Act 1977(6), omit the first entry (chief executive) in columns (2) and (4) so that the second entry(7) in these columns becomes the only entry.

9. Omit the entries in respect of—

- (a) a National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990; and

(6) 1977 c.49.

(7) The second entry has been amended by S.I. 2006/635.

- (b) Local Health Boards in Wales established under section 1 of the National Health Service Reform and Health Care Professions Act 2002.

10.—(1) The entry in respect of Her Majesty’s Chief Inspector of Schools in England is amended as follows.

(2) In column (2) (prescribed offices) for “Band A in the Complaints, Investigation and Enforcement Team” substitute “Compliance, Investigations and Enforcement Team Assistant Divisional Manager”.

(3) Omit the entry in column (3) (urgent cases).

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 inserting and deleting entries, respectively. Schedule 1 lists those public authorities that are relevant public authorities for the purposes of section 28 (authorisation of directed surveillance) and section 29 (authorisation of covert human intelligence sources) of that Act.

Article 4 of, and the Schedule to, this Order amend the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Services) Order 2003 (“the 2003 Order”). The individuals in the public authorities listed in column (1) of Part 1 of the Schedule to the 2003 Order who hold the offices, ranks or positions prescribed in column (2) are entitled to authorise directed surveillance under section 28 of the 2000 Act and the use and conduct of covert human intelligence sources under section 29 of that Act. Such individuals holding the offices, ranks or positions listed in column (2) of Part 2 of the Schedule to the 2003 Order are entitled only to authorise directed surveillance under section 28. Where an entry is included in column (3) it is for a less senior official to authorise in urgent cases.

Paragraphs 2(3) and (5) and 9 of the Schedule to this Order omit entries from the Schedule to the 2003 Order; paragraphs 2(4), 4 and 6 of the Schedule to this Order add entries to that Schedule; and paragraphs 2(2), 3, 5, 8 and 10 amend entries in that Schedule.