
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.