

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates the Orders revoked, or partially revoked, by article 10 of this Order.

Under section 30(1) of the Regulation of Investigatory Powers Act 2000 (“the Act”), the persons designated for the purposes of sections 28 and 29 of that Act are the individuals holding such offices, rank and positions with relevant public authorities as are prescribed for the purposes of section 30(1) by order made by the Secretary of State. Under section 28(1), the persons designated for the purposes of that section have power to grant authorisations for the carrying out of directed surveillance (as defined by section 26(2)). Under section 29(1), the persons designated for the purposes of that section have power to grant authorisations for the conduct or the use of a covert human surveillance source (as defined by section 26(7) and (8)). Under section 30(4), a public authority must be specified in Part 1 of Schedule 1 to the Act in order to be a relevant public authority in relation to section 29. A public authority which is specified in either Part 1 or Part 2 of that Schedule is a relevant public authority for the purposes of section 28.

Article 3 and the Schedule to this Order prescribe the offices, positions and ranks in column (2) of the Schedule for these purposes. Article 4 and the Schedule to this Order prescribe the offices, positions and ranks in column (3) for the granting of authorisations in urgent cases. Articles 5 to 7 set out restrictions on the circumstances in which authorisations can be granted.

The main substantive changes to the content of the Orders revoked by this Order are made by article 2 which amends Schedule 1 to the Act to:

- replace a reference which is now spent (by substituting “any fire and rescue authority under the Fire and Rescue Services Act 2004” for “any fire authority within the meaning of the Fire Services Act 1947 (read with paragraph 2 of Schedule 11 to the Local Government Act 1985)”);
- move four public authorities from Part 1 to Part 2 (the force comprising the special constables nominated by the Dover Harbour Board, the Department for Work and Pensions, the Postal Services Commission and a universal service provider (within the meaning of the Postal Services Act 2000) acting in connection with the provision of a universal postal service (within the meaning of that Act));
- move one authority from Part 2 to Part 1 (the Health and Safety Executive);
- remove one public authority from the Schedule (the Ministry of Defence); and
- add one new public authority to the list of relevant public authorities in Part 2 (the Child Maintenance and Enforcement Commission).

Consequential amendments are made to the Schedule to this Order. In addition, no entry is included in respect of the Royal Parks Constabulary consequent on the coming into force of the repeal of the entry in respect of that Constabulary in Part 2 of Schedule 1 to the Act.

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 2010. 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 :

- Sch. Pt. 1 coming into force by S.I. 2010/521 art. 1(1)
- Sch. Pt. 2 coming into force by S.I. 2010/521 art. 1(1)
- Sch. Pt. 1 dash inserted by S.I. 2018/905 art. 4(3)(b)
- Sch. Pt. 1 dash inserted by S.I. 2018/905 art. 4(8)(b)(ii)
- Sch. Pt. 1 dash omitted by S.I. 2018/905 art. 4(6)(b)(i)
- Sch. Pt. 1 word substituted by S.I. 2021/601 art. 4(6)(a)
- Sch. Pt. 2 words inserted by S.I. 2012/2007 Sch. para. 123(3)(a)
- Sch. Pt. 2 words inserted by S.I. 2012/2007 Sch. para. 123(3)(b)
- Sch. Pt. 2 words inserted by S.I. 2012/2007 Sch. para. 123(3)(c)
- Sch. Pt. 1 words inserted by S.I. 2018/905 art. 4(3)(a)
- Sch. Pt. 1 words inserted by S.I. 2018/905 art. 4(3)(c)
- Sch. Pt. 1 words inserted by S.I. 2018/905 art. 4(14)
- Sch. Pt. 2 words inserted by S.I. 2013/755 Sch. 4 para. 374
- Sch. Pt. 1 words inserted by S.I. 2018/197 art. 2
- Sch. Pt. 2 words omitted by S.I. 2012/2007 Sch. para. 123(2)(a)
- Sch. Pt. 2 words omitted by S.I. 2012/2007 Sch. para. 123(2)(b)
- Sch. Pt. 2 words omitted by S.I. 2012/2007 Sch. para. 123(2)(c)
- Sch. Pt. 2 words omitted by S.I. 2012/2007 Sch. para. 123(2)(d)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(2)(a)(i)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(2)(a)(ii)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(2)(b)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(6)(a)(i)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(6)(b)(ii)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(6)(b)(iii)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(6)(c)
- Sch. Pt. 1 words omitted by S.I. 2018/905 art. 4(8)(b)(ii)
- Sch. Pt. 2 words omitted by S.I. 2018/905 art. 5(3)(b)
- Sch. Pt. 2 words omitted by S.I. 2018/905 art. 5(4)
- Sch. Pt. 1 words omitted by S.I. 2021/601 art. 4(6)(c)
- Sch. Pt. 1 words substituted by S.I. 2013/2788 art. 16(1)
- Sch. Pt. 1 words substituted by S.I. 2013/472 Sch. 2 para. 185
- Sch. Pt. 1 words substituted by S.I. 2014/467 Sch.
- Sch. Pt. 1 Table words substituted by S.I. 2014/549 Sch. 1 para. 41(a)
- Sch. Pt. 2 Table words substituted by S.I. 2014/549 Sch. 1 para. 41(a)
- Sch. Pt. 1 Table Column 1 words substituted by S.I. 2016/655 Sch. para. 8
- Sch. Pt. 1 words substituted by S.I. 2016/992 Sch. para. 43
- Sch. Pt. 1 table words substituted by S.I. 2017/1250 reg. 16(2)(a)
- Sch. Pt. 1 table words substituted by S.I. 2017/1250 reg. 16(2)(b)
- Sch. Pt. 2 table words substituted by S.I. 2017/960 art. 3
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(4)(a)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(4)(b)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(4)(c)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(5)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(6)(a)(ii)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(6)(a)(iii)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(7)(a)(i)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(7)(a)(ii)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(7)(a)(iii)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(7)(a)(iv)

- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(7)(b)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(8)(a)(i)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(8)(a)(ii)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(8)(b)(i)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(9)(a)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(9)(b)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(10)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(11)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(12)
- Sch. Pt. 1 words substituted by S.I. 2018/905 art. 4(13)
- Sch. Pt. 2 words substituted by S.I. 2018/905 art. 5(2)
- Sch. Pt. 2 words substituted by S.I. 2018/905 art. 5(3)(a)
- Sch. Pt. 2 words substituted by S.I. 2018/905 art. 5(5)(a)
- Sch. Pt. 2 words substituted by S.I. 2018/905 art. 5(5)(b)
- Sch. Pt. 1 words substituted by S.I. 2021/601 art. 4(6)(b)(i)
- Sch. Pt. 1 words substituted by S.I. 2021/601 art. 4(6)(b)(ii)
- Sch. Pt. 1 words substituted by S.I. 2021/601 art. 4(6)(d)(i)
- Sch. Pt. 1 words substituted by S.I. 2021/601 art. 4(6)(d)(ii)
- Sch. Pt. 1 words inserted by S.I. 2018/378 Sch. para. 20(p)
- Sch. Pt. 1 table words substituted by S.I. 2023/424 Sch. para. 54
- art. 1 coming into force by S.I. 2010/521 art. 1(1)
- art. 2 coming into force by S.I. 2010/521 art. 1(1)
- art. 3 coming into force by S.I. 2010/521 art. 1(1)
- art. 3(2) words substituted by S.I. 2012/1500 art. 2(2)
- art. 3(2)(a) word omitted by S.I. 2013/2788 art. 11
- art. 4 coming into force by S.I. 2010/521 art. 1(1)
- art. 4(1) words substituted by S.I. 2012/1500 art. 2(3)
- art. 4(2) substituted by S.I. 2021/601 art. 4(3)
- art. 4(2) words inserted by S.I. 2013/2788 art. 12
- art. 5 coming into force by S.I. 2010/521 art. 1(1)
- art. 5(1) words inserted by S.I. 2021/601 art. 4(4)(a)
- art. 6 coming into force by S.I. 2010/521 art. 1(1)
- art. 7 coming into force by S.I. 2010/521 art. 1(1)
- art. 8 coming into force by S.I. 2010/521 art. 1(1)
- art. 8 words substituted by S.I. 2021/601 art. 4(5)
- art. 9 coming into force by S.I. 2010/521 art. 1(1)
- art. 10 coming into force by S.I. 2010/521 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. 1A inserted by S.I. 2013/2788 art. 16(2)
- Sch. Pt. 1B inserted by S.I. 2021/601 art. 4(8)
- Sch. Pt. 1A substituted by S.I. 2021/601 art. 4(7)
- Sch. Pt. 1A Table words inserted by S.I. 2022/1051 reg. 13(3)
- Sch. 1 Pt. 1 words omitted by S.I. 2013/602 Sch. 2 para. 98(b)
- Sch. 1 Pt. 1 words substituted by S.I. 2013/602 Sch. 2 para. 98(a)
- Sch. 1 Pt. 1 Table words inserted by S.I. 2023/624 Sch. 1 para. 11(2)
- Sch. 2 Pt. 2 words revoked by S.I. 2011/2085 Sch. 1 para. 85(a)Sch. 2
- Sch. 2 Pt. 2 words substituted by S.I. 2011/2085 Sch. 1 para. 85(b)
- art. 1(3) inserted by S.I. 2013/2788 art. 8
- art. 1(3) words inserted by S.I. 2022/1051 reg. 13(2)
- art. 1A inserted by S.I. 2013/2788 art. 9
- art. 3(1A) inserted by S.I. 2013/2788 art. 10
- art. 3(2)(aa) inserted by S.I. 2013/2788 art. 11

- art. 3(2)(aa) word omitted by S.I. 2021/601 art. 4(2)
- art. 3(2)(ab) inserted by S.I. 2021/601 art. 4(2)
- art. 3(5) added by S.I. 2014/467 art. 2(2)
- art. 5(1)(aa) inserted by S.I. 2013/2788 art. 13
- art. 5(1A)(1B) inserted by S.I. 2021/601 art. 4(4)(b)
- art. 5(2)(aa) inserted by S.I. 2013/2788 art. 14
- art. 5(2)(aa) word omitted by S.I. 2021/601 art. 4(4)(c)(i)(bb)
- art. 5(2)(aa) words inserted by S.I. 2021/601 art. 4(4)(c)(i)(aa)
- art. 5(2)(ab) inserted by S.I. 2021/601 art. 4(4)(c)(ii)
- art. 6A inserted by S.I. 2013/2788 art. 15
- art. 7A inserted by S.I. 2012/1500 art. 2(4)
- art. 7A(3)(b)(v)(vi) added by S.I. 2015/937 art. 2(2)(b)
- art. 7A(3)(b)(iv) semi-colon substituted by S.I. 2015/937 art. 2(2)(a)