
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 1 of Schedule 2 to the Regulation of Investigatory Powers (Communications Data) Order 2003 (“the 2003 Order”).

This Order adds four new entries to the 2003 Order. Column 1 of the table inserted by article 2(5) of this Order into the 2003 Order specifies the Independent Police Complaints Commission, the Office of Communications, the Port of Dover Police and the Port of Liverpool Police as relevant public authorities for the purpose of section 25(1) of the Regulation of Investigatory Powers Act 2000 (“the Act”). Column 2 of the table designates which persons within those authorities may authorise or require the acquisition of communications data under the provisions of Chapter 2 of Part 1 of the 2000 Act (persons senior to those designated are also entitled to authorise or require the acquisition of communications data). Column 3 of the table designates which persons may authorise or require the acquisition only of communications data falling within section 21(4)(c) of the Act. By virtue of column 4 of the table, those entitled to authorise or require the acquisition of communications data within the newly specified public authorities are only so entitled if it is necessary to obtain the data on the particular grounds specified.

Article 2(2) of this Order adds further prescribed offices etc. in relation to the Scottish Drug Enforcement Agency (which has replaced the Scottish Crime Squad in relation to investigatory powers), including some civilian grades and certain persons on secondment.

The Energy Act 2004 reforms the governance arrangements of the United Kingdom Atomic Energy Authority Constabulary and provides for the transfer of its members to the Civil Nuclear Constabulary, to be established under that Act. Article 2(3) of this Order makes a corresponding change to the Schedule to the 2003 Order, and this provision will come into force on the day that paragraph 8 of Schedule 14 to the Energy Act 2004 (which amends the 2000 Act to substitute references to the Civil Nuclear Constabulary for references to the United Kingdom Atomic Energy Authority Constabulary) is commenced.

Finally, article 2(4) of this Order deletes the entry in Part 1 of Schedule 2 to the 2003 Order relating to the Department of Trade and Industry, as the Radiocommunications Agency no longer exists.