
STATUTORY INSTRUMENTS

2014 No. 3103

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2014

Made - - - - 19th November 2014

Coming into force - - 10th December 2014

This Order is made in exercise of the power conferred on the Secretary of State by section 71(5) of the Regulation of Investigatory Powers Act 2000⁽¹⁾ ('the 2000 Act').

The Secretary of State:

(1) has, in accordance with section 71(3) of the 2000 Act, prepared and published a draft revised Code of Practice relating to the exercise and performance of the powers and duties that are conferred or imposed otherwise than on the Surveillance Commissioners by or under Part 2 of the 2000 Act, section 5 of the Intelligence Services Act 1994⁽²⁾ and Part 3 of the Police Act 1997⁽³⁾ and considered representations made to her about it;

(2) has, in accordance with section 71(4) of the 2000 Act, laid before both Houses of Parliament a draft of that Code of Practice, revised to take account of those representations.

A draft of this Order has been approved by resolution of each House of Parliament in accordance with section 71(9) of the 2000 Act.

Accordingly, the Secretary of State makes the following Order—

1. This Order may be cited as the Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2014 and shall come into force 21 days after the date on which the Order is made.

2. The Code of Practice entitled "Covert Surveillance and Property Interference", laid before each House of Parliament in draft on 22nd July 2014, relating to the carrying out of covert surveillance under Part 2 of the Regulation of Investigatory Powers Act 2000 and to interference with property or wireless telegraphy under section 5 of the Intelligence Services Act 1994 and Part 3 of the Police Act 1997, shall come into force on the date on which this Order comes into force.

(1) 2000 c.23.

(2) 1994 c.13; section 5 has been amended by section 74 of the Regulation of Investigatory Powers Act 2000 (c.23).

(3) 1997 c.50.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

19th November 2014

Mike Penning
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the revised Code of Practice prepared under section 71 of the Regulation of Investigatory Powers Act 2000 (the 2000 Act). The purpose of this Code is to set out guidance relating to the carrying out of covert surveillance under Part 2 of the 2000 Act and to interference with property or wireless telegraphy under section 5 of the Intelligence Services Act 1994 and Part 3 of the Police Act 1997.

Under section 72(1) of the Regulation of Investigatory Powers Act 2000, a person exercising any power or duty in relation to which provision may be made by a Code of Practice under section 71 must, in doing so, have regard to the code's provisions (as far as applicable).

The revised codes are laid before Parliament with this Order. A full regulatory impact assessment has not been produced for this Order as no impact on the private or voluntary sector is foreseen.

The Code of Practice will be published by the Stationery Office and copies may be obtained from them directly (online or from their bookshops). The revised Code of Practice will also be available on the Regulation of Investigatory Powers Codes of Practice pages of the gov.uk website.