Draft Order laid before Parliament under sections 22(9) and 25(5) 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 (Communications Data) (Additional Functions and 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 22(2)(h) of, paragraph (g) of the definition of "relevant public authority" in section 25(1) of, and section 25(2) and (3) of the Regulation of Investigatory Powers Act 2000(**1**).

In accordance with sections 22(9) and 25(5) of that Act, a draft of this Order has been laid before Parliament and approved by resolution of each House.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Communications Data) (Additional Functions and Amendment) Order 2006 and shall come into force on the expiry of two weeks beginning with the day on which it is made.

(2) In this Order "the 2003 Order" means the Regulation of Investigatory Powers (Communications Data) Order 2003(**2**).

Additional purposes of section 22(2) of the Regulation of Investigatory Powers Act 2000

2. The following additional purposes are specified for the purposes of section 22(2) of the Regulation of Investigatory Powers Act 2000 (to the extent that they do not fall within paragraphs (a) to (g) of that provision)—

(a) to assist investigations into alleged miscarriages of justice;

(b) for the purpose of—

(i) assisting in identifying any person who has died otherwise than as a result of crime or who is unable to identify himself because of a physical or mental condition, other than one resulting from crime, or

(**1**) 2000 c.23.
(**2**) S.I. 2003/3172, as amended by S.I. 2005/1083.

(ii) obtaining information about the next of kin or other connected persons of such a person or about the reason for his death or condition.

Amendment of Regulation of Investigatory Powers (Communications Data) Order 2003

3. In article 1(2) of the 2003 Order (interpretation) after the definition of "the 2000 Act" insert—

""the 2006 Order" means the Regulation of Investigatory Powers (Communications Data) (Additional Purposes and Amendment) Order 2006;".

4. For article 6 of the 2003 Order (restrictions on the granting of authorisations or the giving of notices) substitute—

"**6.**—(1) The restriction in this article is that an individual holding an office, rank or position which is listed in column (2) or (3) of Schedule 1 or 2 may not grant an authorisation or give a notice unless he believes it is necessary for any purpose within section 22(2) of the 2000 Act which is listed in the corresponding entry in column (4) of those Schedules.

(2) In column (4) of those Schedules a letter refers to the paragraph in section 22(2) of the 2000 Act which is identified by that letter, except where there is a reference to article 2 of the 2006 Order.".

5. For article 10 of the 2003 Order substitute—

"**10.**—(1) The restriction in this article is that an individual holding an office, rank or position with the Commissioners of Her Majesty's Revenue and Customs (being a relevant public authority listed in Schedule 1 to the 2000 Act(**3**)may only grant an authorisation or give a notice which satisfies the conditions set out in paragraph (2).

(2) That condition is that, in connection with a function relating to a matter to which section 7 of the Commissioners for Revenue and Customs Act 2005(**4**) applies, the only communications data falling within section 21(4)(a) of the 2000 Act authorised to be obtained by the authorisation or required to be obtained or disclosed by the notice is communications data relating to a postal service.".

6.—(1) Schedule 1 to the 2003 Order (individuals in public authorities within section 25(1) of the 2000 Act) is amended as follows.

(2) In column (4) (purposes within section 22(2)), at the end of each of the entries in respect of the five police forces listed in column (1) (relevant public authorities)(**5**) and the British Transport Police add "and article 2(b) of the 2006 Order".

(3) For the entries in respect of the Commissioners of Customs and Excise and the Commissioners of Inland Revenue substitute the following entry—

"The Commissioners for Her Majesty's Revenue and Customs	Senior Officer	Higher Officer	(b)(f)"

(**3**) The entries in Schedule 1 to the Regulation of Investigatory Powers Act 2000 in respect of the Commissioners of Customs and Excise and the Commissioners of Inland Revenue are amended by section 50(1) of the Commissioners for Revenue and Customs Act 2005 (c.11).

(**4**) 2005 c.11.

(**5**) The entries in Part 1 of Schedule 1 in respect of the National Criminal Intelligence Service and the National Crime Squad were revoked by article 41(1) and (2) of the Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594).