Draft Order laid before Parliament under section 12(10) of the Regulation of Investigatory Powers Act 2000 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

INVESTIGATORY POWERS

Regulation of Investigatory Powers (Maintenance of Interception Capability) Order 2002

Made - - - -	*2002*
Coming into force - -	*1st August 2002*

Whereas the Secretary of State has consulted the persons listed in section 12(9) and (11) of the Regulation of Investigatory Powers Act 2000(**1**) about this Order;

And whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 12(1), (2) and (5) and section 78(5) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Maintenance of Interception Capability) Order 2002 and shall come into force on 1st August 2002.

(2) In this Order "service provider" means a person providing a public postal service or a public telecommunications service, or proposing to do so.

Interception capability

2.—(1) The Schedule to this Order sets out those obligations which appear to the Secretary of State reasonable to impose on service providers for the purpose of securing that it is and remains practicable for requirements to provide assistance in relation to interception warrants to be imposed and complied with.

(2) Subject to paragraph (3) the obligations in—

(a) Part I of the Schedule only apply to service providers who provide, or propose to provide, a public postal service; and

(**1**) 2000 c. 23.

(b) Part II of the Schedule only apply to service providers who provide, or propose to provide, a public telecommunications service.

(3) The obligations in Part II of the Schedule shall not apply to service providers who—

(a) do not intend to provide a public telecommunications service to more than 10,000 persons in any one or more parts of the United Kingdom and do not do so; or

(b) only provide, or propose to provide, a public telecommunications service in relation to the provision of banking, insurance, investment or other financial services.

Interception capability notices

3.—(1) The Secretary of State may give a service provider a notice requiring him to take all such steps falling within paragraph (2) as may be specified or described in the notice.

(2) Those steps are ones appearing to the Secretary of State to be necessary for securing that the service provider has the practical capability of meeting the obligations set out in the Schedule to this Order.

Referral of notices to the Technical Advisory Board

4. The period within which any person to whom a notice has been given under article 3 may refer the notice to the Technical Advisory Board is specified as being before the end of 28 days from the date of the notice.

Home Office
2002

Parliamentary Under-Secretary of State