Draft Order laid before Parliament under section 47(2) of the Regulation of Investigatory Powers Act 2000 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

INVESTIGATORY POWERS

Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001

Made - - - -	*2001*
Coming into force - -	*2001*

The Secretary of State, in exercise of the powers conferred on him by section 47(1) of the Regulation of Investigatory Powers Act 2000(**1**), hereby makes the following Order, of which a draft has, in accordance with section 47(2) of that Act, been laid before and approved by resolution of each House of Parliament:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001.

(2) This Order shall come into force on the day after the day on which it is made.

(3) In this Order "the 2000 Act" means the Regulation of Investigatory Powers Act 2000.

Application of Part II of the 2000 Act to the detection of television receivers

2.—(1) Part II of the 2000 Act (surveillance and covert human intelligence sources) shall apply to surveillance which—

(a) is carried out by means of apparatus designed or adapted for the purpose of detecting the installation or use in any residential or other premises of a television receiver (within the meaning of section 1 of the Wireless Telegraphy Act 1949(**2**)), and

(b) is carried out from outside those premises exclusively for that purpose,

and such surveillance is referred to in this Order as "the detection of television receivers".

(2) In its application to the detection of television receivers, Part II of the 2000 Act shall have effect as if—

(**1**) 2000 c. 23.
(**2**) 1949 c. 54. Relevant amendments were made by section 180(1) of, and paragraph 1 of Part I of Schedule 18 to, the Broadcasting Act 1990.

(a) the following provisions were omitted, namely, sections 28 to 42, in section 43, subsections (2), (6) to (8) and (10) and in subsection (4) the words "Subject to subsection (6)", section 44, section 45(2) to (7) and section 46, and

(b) the modifications set out in articles 3 to 5 were made.

New section 27A

3. In its application to the detection of television receivers, Part II of the 2000 Act shall have effect as if the following section were inserted after section 27—

"**Authorisation of detection of television receivers**

27A.—(1) Subject to the following provisions of this Part, the persons designated for the purposes of this section shall each have power to grant authorisations for the detection of television receivers, that is to say, surveillance which—

(a) is carried out by means of apparatus designed or adapted for the purpose of detecting the installation or use in any residential or other premises of a television receiver (within the meaning of section 1 of the Wireless Telegraphy Act 1949(**3**)), and

(b) is carried out from outside those premises exclusively for that purpose.

(2) The persons designated for the purposes of this section are—

(a) any person holding the position of head of sales or head of marketing within the Television Licence Management Unit of the British Broadcasting Corporation, and

(b) any person holding a position within that Unit which is more senior than the positions mentioned in paragraph (a).

(3) A person shall not grant an authorisation for the detection of television receivers unless he believes—

(a) that the authorisation is necessary—

(i) for the purpose of preventing or detecting crime constituting an offence under section 1 or 1A(**4**) of the Wireless Telegraphy Act 1949; or

(ii) for the purpose of assessing or collecting sums payable to the British Broadcasting Corporation under regulations made under section 2 of the Wireless Telegraphy Act 1949(**5**); and

(b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

(4) The conduct that is authorised by an authorisation for the detection of television receivers is any conduct that—

(a) consists in the carrying out of the detection of television receivers, and

(b) is carried out by the persons described in the authorisation in the circumstances described in the authorisation.".

(**3**) 1949 c. 54. Relevant amendments were made by section 180(1) of, and paragraph 1 of Part I of Schedule 18 to, the Broadcasting Act 1990.
(**4**) 1949 c. 54. Section 1A was inserted by section 168 of the Broadcasting Act 1990.
(**5**) 1949 c. 54. Relevant amendments were made by section 7 of, and paragraph 1 of Schedule 1 to, the Wireless Telegraphy Act 1998; section 180(1) of, and paragraph 2 of Part I of Schedule 18 to, the Broadcasting Act 1990; article 3 of, and Schedule 2 to, the Transfer of Functions (Local Government, etc) (Northern Ireland) Order 1973 (SR & O (NI) 1973/256); section 3(1) of the Post Office Act 1969 and the Ministry of Posts and Telecommunications (Dissolution) Order 1974 (S.I.1974/691).