STATUTORY RULES OF NORTHERN IRELAND

2002 No. 292

INVESTIGATORY POWERS

Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order (Northern Ireland) 2002

Made - - - -	*18th September 2002*
Coming into operation	*24th October 2002*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred on it by sections 30(1) and (3) and 31 of the Regulation of Investigatory Powers Act 2000(**1**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order (Northern Ireland) 2002 and shall come into operation on 24th October 2002.

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

(3) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Prescribed offices, ranks and positions

2.—(1) The offices, ranks and positions listed in column 2 of the Schedule (being offices, ranks or position with the relevant public authorities in column 1) are hereby prescribed for the purposes of section 30(1) of the 2000 Act.

(2) Subject to paragraph (3), where an office, rank or position with a relevant public authority is prescribed by virtue of paragraph (1), all more senior offices, ranks or positions with that authority are also prescribed.

(3) Where an office, rank or position with a relevant public authority is described in column 2 of the Schedule by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (2) to all more senior offices, ranks or positions with that public authority is a reference to all more senior offices, ranks or positions in that agency, unit, branch, division or part.

(**1**) 2000 c. 23: Schedule 1 to the Regulation of Investigatory Powers Act 2000 was amended by S.R. 2002 No. 183
(**2**) 1954 c. 33 (N.I.)

Additional offices etc prescribed for urgent cases

3.—(1) The additional offices, ranks and positions listed in column 3 of the Schedule (being offices, ranks or positions with the relevant public authorities in column 1) are hereby prescribed for the purposes of section 30(1) of the 2000 Act, for the cases described in this Article.

(2) An individual holding an office, rank or position which is prescribed by virtue of paragraph (1) may only grant an authorisation where it is not reasonably practicable having regard to the urgency of the case for the application to be considered by an individual in the same authority holding an office, rank or position prescribed by Article 2.

(3) Where an office, rank or position with a relevant public authority is described in column 2 of the Schedule by reference to an agency, unit, branch, division or other part of that authority, the reference in paragraph (2) to an individual in the same authority is a reference to an individual in that agency, unit, branch, division or part.

Restricted prescriptions for certain cases

4. Where an entry in columns 2 or 3 of the Schedule is headed by the words "Section 28 authorisation", the prescriptions by virtue of Articles 2 and 3 apply only in relation to section 28 of the 2000 Act.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 18th September 2002.

C. F. Stewart
A Senior Officer of the office of the First Minister and deputy First Minister

SCHEDULE Articles 2 to 4

PART I

PRESCRIPTIONS FOR PUBLIC AUTHORITIES WHICH ARE RELEVANT PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTIONS 28 AND 29

(1) *Relevant public authorities*	(2) *Prescribed offices etc*	(3) *Urgent Cases*
The Department of Agriculture and Rural Development	Grade 7 responsible for DARD Investigation Unit *Section 28 authorisation* Head of the Food Service *Section 28 authorisation* Branch Head – Private Woodlands and Plant Health Branch *Section 28 authorisation* Field Senior Principal Veterinary Officer, Veterinary Division *Section 28 authorisation* Senior Fisheries Officer, Fisheries Division	 *Section 28 authorisation* Fisheries Officer I
The Department of Enterprise, Trade and Investment	Chief Inspector, Trading Standards Service *Section 28 authorisation* Director of Insolvency, Insolvency Service	Deputy Chief Inspector Trading Standards Service *Section 28 authorisation* Grade 7, Insolvency Service
The Department of the Environment	Chief Executive, Environment & Heritage Service (EHS)	Director of Natural Heritage (EHS) Director of Built Heritage (EHS Chief Inspector, Industrial Pollution, Radiochemical Inspectorate