Draft Order laid before Parliament under section 71(9) of the Regulation of Investigatory Powers Act 2000, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2015 No. [ ]

INVESTIGATORY POWERS

The Equipment Interference (Code of Practice) Order 2015

Made - - - -

Coming into force in accordance with article 1

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(**a**) ("the Act").

The Secretary of State has:

(1) in accordance with section 71(3) of the Act, prepared and published a draft 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 or the relevant judicial authority by or under section 5 of the Intelligence Services Act 1994 and has considered representations made to her about it;

(2) in accordance with section 71(4) of the Act, laid before both Houses of Parliament a draft of that Code of Practice.

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

The Secretary of State makes the following Order—

1. This Order may be cited as the Equipment Interference (Code of Practice) Order 2015 and comes into force on the day after the day on which it is made.

2. The Code of Practice entitled "Equipment Interference", laid before Parliament in draft on 4th November 2015, relating to the authorisation of interference with property under section 5 of the Intelligence Services Act 1994, comes into force on the day after the day on which this Order is made.

Home Office
Date

[ ]
Parliamentary Under Secretary

(**a**) 2000 c. 23; section 71 was amended by the Serious Crime Act 2007 (c. 27), section 88, Schedule 4, paragraph 18 and Schedule 12, paragraphs 5 and 25; the Protection of Freedoms Act 2012 (c. 9), section 115(1) and Schedule 9, Part 3, paragraphs 6 and 14; the Serious Crime Act 2015 (c. 3), section 83; and by S.I. 2011/1340 and 2014/2042.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the code of practice on Equipment Interference prepared under section 71 of the Regulation of Investigatory Powers Act 2000 (c. 23) ("the 2000 Act"). The purpose of the code is to set out guidance relating to interference with property authorised under section 5 of the Intelligence Services Act 1994 ("the 1994 Act").

Under section 72(1) of the 2000 Act, 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 code also sets out guidance relating to interference authorised under section 7 of the 1994 Act.

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

The code of practice will be published by the Stationery Office and copies may be obtained from the Stationery Office bookshops or online shop. The revised code of practice will also be available on the Regulation of Investigatory Powers Codes of Practice pages of the gov.uk website.

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