Draft Order laid before Parliament under section 14(2) of the Official Secrets Act 1989, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

OFFICIAL SECRETS

The Official Secrets Act 1989 (Prescription) (Amendment) Order 2012

Made - - - -	***
Coming into force - -	*22nd November 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 12(1)(g) and 13(1)(**a**) of the Official Secrets Act 1989(**b**).

In accordance with section 14(2) of that Act a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Official Secrets Act 1989 (Prescription) (Amendment) Order 2012 and comes into force on 22nd November 2012.

Amendment to the Official Secrets Act 1989 (Prescription) Order 1990

2.—(1) The Official Secrets Act 1989 (Prescription) Order 1990(**c**) is amended as follows.

(2) At the end of Schedule 2 insert—

"A Police and crime commissioner A Deputy police and crime commissioner Mayor's Office for Policing and Crime Deputy Mayor for Policing and Crime The Lord Mayor of the City of London The representative of the Court of Common Council acting in its capacity as the Police Authority for the City of London"

Signed by the authority of the Secretary of State

Date

Ministry of Justice

(**a**) See the definition of "prescribed".
(**b**) 1989 c.6.
(**c**) S.I. 1990/200. Schedule 2 to that Order has been amended by S.I. 1999/1042, S.I. 2004/1823 and S.I. 2006/362.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 1 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") provides for the establishment of a police and crime commissioner for each police area in England and Wales outside London, with the functions of securing the maintenance of an efficient and effective police force for the area and holding the chief constable to account for the exercise of the chief constable's functions. A police and crime commissioner may appoint a deputy and arrange for the deputy to exercise any of the police and crime commissioner's functions (section 18(1) of the 2011 Act).

Section 3 of the 2011 Act provides for the establishment of the Mayor's Office for Policing and Crime with the same functions in relation to the metropolitan police district. The Mayor's Office for Policing and Crime is occupied by the person who is the Mayor of London (section 3(3) of the 2011 Act). The Mayor's Office for Policing and Crime may appoint a Deputy Mayor for Policing and Crime to exercise functions of the Office (section 19(1) of the 2011 Act).

The 2011 Act does not change the policing governance arrangements in the City of London, which are set out in the City of London Police Act 1839 ("the 1839 Act"). Under the 1839 Act the Common Council (which is presided over by the Lord Mayor) has the functions of a police authority in relation to the City of London police area, and section 56 allows the Common Council to appoint a committee to carry out these functions.

This Order amends the Official Secrets Act 1989 (Prescription) Order 1990 by adding the holders of the offices mentioned above to those who are prescribed as Crown servants for the purposes of the Official Secrets Act 1989 ("the Act"). Accordingly, the information that these persons hold by virtue of their office becomes information to which the Act applies, if it otherwise falls within sections 1 to 4 and 8 of the Act, and these persons are Crown servants for the purposes of the provisions of the Act relating to offences which can be committed by Crown servants and the authorisation of disclosures.

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