Draft Order laid before Parliament under section 105(5) of the Anti-terrorism, Crime and Security Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

INVESTIGATORY POWERS

The Retention of Communications Data (Further Extension of Initial Period) Order 2005

Made - - - -	*2005*
Coming into force - -	*2005*

The Secretary of State makes the following Order in exercise of the powers conferred on him by section 105(3) of the Anti-terrorism, Crime and Security Act 2001(**a**);

In accordance with section 105(5) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

1. This Order may be cited as the Retention of Communications Data (Further Extension of Initial Period) Order 2005 and shall come into force on the day after the day on which it is made.

2. The initial period specified in section 105(2) of the Anti-terrorism, Crime and Security Act 2001, as extended by the Retention of Communications Data (Extension of Initial Period) Order 2003(**b**), shall be extended for a further period of two years beginning with the time when that period would end but for the making of this Order.

Home Office — Minister of State

(**a**) 2001 c.24.
(**b**) S.I. 2003/3173.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 105(1) of the Anti-terrorism, Crime and Security Act 2001 provides that section 104 of that Act (which confers on the Secretary of State the power to give directions about retention of communications data) shall cease to have effect at the end of the initial period unless the powers in section 104 had been exercised during that period.

Section 105(2) defines the initial period as the period of two years beginning with the day on which that Act was passed (14th December 2001). However, subsections (3) and (4) of section 105 provide for this initial period to be extended by order for further periods of two years. The initial period was originally extended for a further two years by the Retention of Communications Data (Extension of Initial Period) Order 2003. This Order exercises the power in section 105(3) to extend further the initial period for a period of another two years beginning with the time at which the period would otherwise end (14th December 2005).

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