
Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Investigatory Powers Act 2016, Part 5. (See end of Document for details)

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL PROVISION

PART 5

EQUIPMENT INTERFERENCE

PROSPECTIVE

Regulation of Investigatory Powers Act 2000

- 64 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 65 In section 48 (interpretation of Part 2), in subsection (3)(c)—
- (a) omit the “or” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (ii) insert “; or
(iii) Part 5, or Chapter 3 of Part 6, of the Investigatory Powers Act 2016 (equipment interference).”
- 66 (1) Paragraph 2 of Schedule 2 (persons having the appropriate permission where data obtained under warrant etc) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) omit the “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert “; or
(c) a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016 (powers of law enforcement chiefs to issue warrants to law enforcement officers).”
 - (3) In sub-paragraph (5), at the end insert “ or under a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016. ”
 - (4) In sub-paragraph (6)—
 - (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (c) insert “; and
(d) in relation to protected information obtained under a warrant issued under section 106 of the Investigatory Powers Act 2016, means the person who issued the warrant or, if that person was an appropriate delegate in relation to a law enforcement chief, either that person or the law enforcement chief.”
 - (5) After sub-paragraph (6) insert—

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“(6A) In sub-paragraph (6)(d), the references to a law enforcement chief and to an appropriate delegate in relation to a law enforcement chief are to be read in accordance with section 106(5) of the Investigatory Powers Act 2016.”

Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11)

67 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.

Annotations:

Commencement Information

II Sch. 10 para. 67 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

PROSPECTIVE

68 In section 5(3) (lawful surveillance etc.), after paragraph (a) (and before the “or” at the end of the paragraph), insert—

“(aa) an enactment contained in Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service;”.

69 In section 24(2) (issue and revision of codes of practice), after paragraph (a) (and before the “and” at the end of the paragraph), insert—

“(aa) Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service or the Police Investigations and Review Commissioner;”.

Annotations:

Commencement Information

I2 Sch. 10 para. 69 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

PROSPECTIVE

Crime and Courts Act 2013

70 (1) In Schedule 1 to the Crime and Courts Act 2013 (the NCA and NCA officers), paragraph 6A (investigatory activity in Northern Ireland) is amended as follows.

(2) In sub-paragraph (3)—

- (a) in the opening words, omit “an authorisation granted under any of the following provisions”;
- (b) before paragraph (a) insert—
 - “(za) a targeted equipment interference warrant under Part 5 of the Investigatory Powers Act 2016;”;
- (c) in paragraph (a), for “in the” substitute “ an authorisation granted under any of the following provisions of the ”;
- (d) in paragraph (b), at the beginning insert “ an authorisation granted under ”.

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(3) After sub-paragraph (3) insert—

“(4) For the purpose of sub-paragraph (1), a relevant investigatory activity falling within sub-paragraph (3)(za) is to be regarded as carried out in Northern Ireland if (and to the extent that)—

- (a) the equipment that is being interfered with under the warrant is in Northern Ireland, and
- (b) at the time of the carrying out of the activity, the NCA officer knows that the equipment is in Northern Ireland.

(5) Sub-paragraph (6) applies where—

- (a) in the carrying out by an NCA officer of a relevant investigatory activity falling within sub-paragraph (3)(za), equipment in Northern Ireland is interfered with under the warrant,
- (b) at the time the interference begins, the NCA officer does not know that the equipment is in Northern Ireland, and
- (c) at any time while the interference is continuing, the NCA officer becomes aware that the equipment is in Northern Ireland.

(6) The NCA officer is not to be regarded as in breach of sub-paragraph (1) if the interference continues after the NCA officer becomes aware that the equipment is in Northern Ireland, provided that the officer informs the Chief Constable of the Police Service of Northern Ireland about the interference as soon as reasonably practicable.”

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