
STATUTORY INSTRUMENTS

2017 No. 859

**The Investigatory Powers Act 2016
(Commencement No. 3 and Transitory, Transitional
and Saving Provisions) Regulations 2017**

PART 3

Surveillance Commissioners: transitory and saving provisions

Transitory and saving provisions regarding the Scottish Surveillance Commissioners

9.—(1) Where a person holds office as a Surveillance Commissioner appointed under section 2(1)(b) of RIPSAs (conduct to which this Act applies)⁽¹⁾ immediately before the coming into force of section 240 of the 2016 Act, sections 2(1) to (4) and (6) to (9), 3(3) and (4) (Assistant Surveillance Commissioners) and 18 (information to be provided to Surveillance Commissioners)⁽²⁾ of RIPSAs continue to have effect in relation to such a person until—

- (a) 31st December 2017, or
- (b) the day on which the person ceases to be a Surveillance Commissioner in accordance with section 2 of RIPSAs, if earlier.

(2) But paragraph (1) does not apply to a person who is appointed as a Judicial Commissioner.

(3) So far as continuing to have effect by virtue of paragraph (1)—

- (a) section 2 of RIPSAs is to be read as if in subsection (9), for “the Chief Surveillance Commissioner” there were substituted “the Investigatory Powers Commissioner”, and
- (b) section 3 of RIPSAs is to be read as if—

(i) for subsection (3) there were substituted—

“(3) The Investigatory Powers Commissioner may require a Surveillance Commissioner appointed under section 2(1)(b) to provide the Investigatory Powers Commissioner with assistance in carrying out functions under section 229(3)(g) of the Act.”, and

(ii) in subsection (4), for “the Chief Surveillance Commissioner” there were substituted “the Investigatory Powers Commissioner”.

(4) In relation to persons who continue to hold office by virtue of paragraph (1), references to a Judicial Commissioner in sections 2, 13 to 17 (authorisations and appeals against decisions)⁽³⁾ and

(1) Section 2 was amended by paragraph 73 of Schedule 9 to the Constitutional Reform Act 2005, paragraphs 85 and 86 of Schedule 10 to the 2016 Act and [S.I. 2009/1941](#).

(2) Section 18 was amended by paragraph 15(9) of Schedule 7 and Schedule 8 to the Police and Fire Reform (Scotland) Act 2012.

(3) Section 13 was amended by section 233(5)(a) to (c) of the 2016 Act. Section 14 was amended by section 233(5)(a) and (c) of the 2016 Act. Section 15 was amended by Schedule 8 to the Police and Fire Reform (Scotland) Act 2012 and section 233(5)(a), (b), and (d) of the 2016 Act. Section 16 was amended by paragraph 15(8) of Schedule 7 and by Schedule 8 to the Police and Fire Reform (Scotland) Act 2012 and section 233(5)(b) and (e) to (g) of , and paragraph 87 of Schedule 10 to, the 2016 Act. Section 17 was amended by section 255(5)(b) and (f) of the 2016 Act.

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26 (effect of codes of practice)(4) of RIPSA are be read as including a reference to a Surveillance Commissioner appointed under section 2(1)(b) of RIPSA.

(4) Section 26 was amended by paragraph 15(13) of Schedule 7 to the Police and Fire Reform (Scotland) Act 2012 and paragraph 93 of Schedule 10 to the 2016 Act.