
STATUTORY INSTRUMENTS

2018 No. 652

**The Investigatory Powers Act 2016 (Commencement No. 5
and Transitional and Saving Provisions) Regulations 2018**

PART 2

TRANSITIONAL AND SAVING PROVISIONS

CHAPTER 1

Transitional and saving provisions regarding interception

Other transitional and saving provision relating to interception

19.—(1) The following provisions of RIPA continue to have effect in relation to conduct taking place before 27th June 2018—

- (a) section 1(1) to (3) and (5) to (8) (unlawful interception);
- (b) Schedule A1 (monetary penalty notices)(1).

(2) From 30th May 2018 until section 18(1) is fully in force, section 19(1) of the 2016 Act has effect as if the reference to section 18(1)(a) to (g) were a reference to section 18(1)(a) or (g).

(3) From 27th June 2018 until the repeal of Chapter 1 of Part 1 of RIPA by paragraph 45 of Schedule 10 to the 2016 Act is fully in force—

- (a) section 6 of the 2016 Act (definition of “lawful authority”) has effect as if the reference to a targeted interception warrant in subsection (1)(a)(i) included a reference to a warrant under Chapter 1 of Part 1 of RIPA;
- (b) section 7 of the 2016 Act (monetary penalties for certain unlawful interceptions) has effect as if the reference to a targeted interception warrant in subsection (7)(a) included a reference to a warrant under Chapter 1 of Part 1 of RIPA;
- (c) section 68 of RIPA (tribunal procedure)(2) has effect as if in subsection (7)(e) (duty to assist the Tribunal imposed on those required to provide assistance in giving effect to a warrant) after “2016” there were inserted “or section 11 of this Act”.

(4) Until paragraph 47 of Schedule 10 to the 2016 Act (amendment of section 71 of RIPA) is fully in force, section 71(10) of RIPA (codes of practice: guidance by Commissioner)(3) has effect as if for the words from “interception” to the end there were substituted “Investigatory Powers Commissioner by virtue of paragraph 11 of Schedule 1 to the Investigatory Powers Act 2016”.

(1) Schedule A1 was added by [S.I. 2011/1340](#). Paragraph 6 of Schedule A1 was amended by paragraph 125 of Schedule 9 to the Crime and Courts Act 2013.

(2) Section 68 was amended by paragraph 97 of Schedule 8 to the Crime and Courts Act 2013, section 243(3), (4), (5)(b) and (c) and (6) of the Investigatory Powers Act 2016 (“the 2016 Act”) and [S.I. 2018/341](#).

(3) Section 71(10) was amended by [S.I. 2011/1340](#).

(5) Until paragraph 49(2)(b) of Schedule 10 to the 2016 Act (amendment to the definition of “interception warrant”) is fully in force, sections 48(1)(4), 65(8)(5) and 68(7)(6) of RIPA have effect as if the reference to an interception warrant in those sections included a reference to—

- (a) a targeted interception warrant or mutual assistance warrant under Chapter 1 of Part 2 of the 2016 Act, or
- (b) a bulk interception warrant under Chapter 1 of Part 6 of the 2016 Act.

(6) The repeal of section 6(2)(a) to (c) and (i) of RIPA by paragraph 45 of Schedule 10 to the 2016 Act does not affect any warrant under Chapter 1 of Part 1 of RIPA in force immediately before 8th August 2018.

(4) Section 48(1) was amended by [S.I. 2014/892](#).

(5) Section 68(8) was amended by section 243(1)(i) of the 2016 Act and [S.I. 2018/341](#).

(6) Section 68(7) was amended by paragraph 97 of Schedule 8 to the Crime and Courts Act 2013, section 243(5)(b) and (c) of the 2016 Act and [S.I. 2013/602](#).