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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring section 11 and Part 3 of the Investigatory Powers Act 2016 (“the 2016 Act”) (authorisations for obtaining communications data) into force on 5th February 2019. Section 61 had already been partly commenced for the purposes of the operation of sections 87 and 94 only. Section 61 was amended, and sections 60A and 61A were inserted, by regulations 6 and 7 of the Data Retention and Acquisition Regulations 2018 ([S.I. 2018/1123](#)), and regulations 6 and 7 will come into force on the day on which section 61(1) of the 2016 Act comes into force (5th February 2019) by virtue of regulation 1(4) of those Regulations. Schedule 1 to those Regulations made further changes to Part 3 of the 2016 Act, and will also commence on 5th February 2019.

Certain provisions (for example, paragraph 55 of Schedule 10) are only commenced in relation to the functions commenced in Part 3 of the 2016 Act. This is because Part 1 of Chapter 2 of the Regulation of Investigatory Powers Act 2000 (“the 2000 Act”) will remain in force for a period of time after the commencement of Part 3 and associated provisions of the 2016 Act, in order to allow relevant public authorities to transition in an staged way from the processes under the earlier Act to the later Act, particularly in relation to the regime under section 60A (independent authorisation by the Investigatory Powers Commissioner). It is anticipated that Part 1 of Chapter 2 of the 2000 Act will be repealed at the end of 2019.