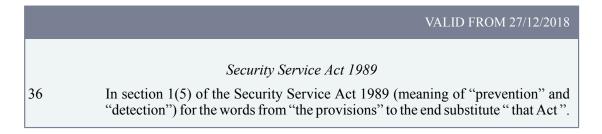# S C H E D U L E S

SCHEDULE 10

MINOR AND CONSEQUENTIAL PROVISION

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

	VALID FROM 27/12/2018

Security Service Act 1989

36	In section 1(5) of the Security Service Act 1989 (meaning of "prevention" and "detection") for the words from "the provisions" to the end substitute " that Act ".

Official Secrets Act 1989

37	In section 4(3) of the Official Secrets Act 1989 (crime and special investigation powers) omit the "and" after paragraph (a) and after paragraph (b) insert "and

> (c) any information obtained under a warrant under Chapter 1 of Part 2 or Chapter 1 of Part 6 of the Investigatory Powers Act 2016, any information relating to the obtaining of information under such a warrant and any document or other article which is or has been used or held for use in, or has been obtained by reason of, the obtaining of information under such a warrant."

Commencement Information
I1 Sch. 10 para. 37 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

	VALID FROM 27/12/2018

Intelligence Services Act 1994

38	In section 11(1A) of the Intelligence Services Act 1994 (meaning of "prevention" and "detection") for the words from "apply" to the end substitute " apply for the purposes of this Act as it applies for the purposes of that Act, except that for the purposes of section 3 above it shall not include a reference to gathering evidence for use in any legal proceedings (within the meaning of that Act). "

Criminal Procedure and Investigations Act 1996

39   (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.

(2) In section 3(7) (initial duty of prosecutor to disclose) for "section 17 of the Regulation of Investigatory Powers Act 2000" substitute " section 56 of the Investigatory Powers Act 2016 ".

(3) In section 7A(9) (continuing duty of prosecutor to disclose) for "section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23)" substitute " section 56 of the Investigatory Powers Act 2016 ".

(4) In section 8(6) (application by accused for disclosure) for "section 17 of the Regulation of Investigatory Powers Act 2000" substitute " section 56 of the Investigatory Powers Act 2016 ".

(5) In section 23 (code of practice) for subsection (6) substitute—

"(6) The code must be so framed that it does not apply to any of the following—
    (a)   material intercepted in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985;
    (b)   material intercepted under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000;
    (c)   material obtained under the authority of a warrant issued under Chapter 1 of Part 2 of the Investigatory Powers Act 2016;
    (d)   material obtained under the authority of a warrant issued under Chapter 1 of Part 6 of that Act."

Commencement Information
I2   Sch. 10 para. 39 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

VALID FROM 27/12/2018

Police Act 1997

40   In section 133A of the Police Act 1997 (meaning of "prevention" and "detection") for the words from "the provisions" to the end substitute " that Act ".

Scotland Act 1998

41   In Section B8 of Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: national security, interception of communications etc.), in the definition of "private telecommunication system", for "section 2(1) of the Regulation of Investigatory Powers Act 2000" substitute " section 261(14) of the Investigatory Powers Act 2016 ".

Commencement Information
I3   Sch. 10 para. 41 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

Northern Ireland Act 1998

42   In paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters) for paragraph (b) substitute—

"(b)   the subject-matter of sections 3 to 10, Schedule 1, Part 2 and Chapter 1 of Part 6 of the Investigatory Powers Act 2016, except so far as relating to the prevention or detection of serious crime (within the meaning of that Act);".

Commencement Information

I4   Sch. 10 para. 42 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

Financial Services and Markets Act 2000

43   In section 394(7)(a) of the Financial Services and Markets Act 2000 (access to FCA or PRA material) for "section 17 of the Regulation of Investigatory Powers Act 2000" substitute " section 56 of the Investigatory Powers Act 2016 ".

Commencement Information

I5   Sch. 10 para. 43 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

Regulation of Investigatory Powers Act 2000

44   The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information

I6   Sch. 10 para. 44 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

45   Omit Chapter 1 of Part 1 (interception of communications).

Commencement Information

I7   Sch. 10 para. 45 in force at 12.3.2018 for specified purposes by S.I. 2018/341, **reg. 2(n)** (with reg. 3)

I8   Sch. 10 para. 45 in force at 27.6.2018 for specified purposes by S.I. 2018/652, **reg. 13** (with regs. 15(4), 16, 19(1))

VALID FROM 30/08/2018

46   (1) Section 49 (investigation of electronic data protected by encryption etc: powers under which data obtained) is amended as follows.

(2) In subsection (1)(b) after "communications" insert " or obtain secondary data from communications ".

(3) After subsection (9) insert—

> "(9A) In subsection (1)(b) the reference to obtaining secondary data from communications is to be read in accordance with section 16 of the Investigatory Powers Act 2016."

	VALID FROM 27/12/2018

47   In section 71 (issue and revision of codes of practice) omit subsection (10).

48   In section 78(3)(a) (affirmative orders) omit "12(10), 13(3),".

Commencement Information

I9   Sch. 10 para. 48 in force at 12.3.2018 by S.I. 2018/341, **reg. 2(o)**

	VALID FROM 27/12/2018

49   (1) Section 81 (general interpretation) is amended as follows.

(2) In subsection (1)—

    (a)   in the definition of "criminal", omit "or prosecution", and

    (b)   in the definition of "interception warrant", for "a warrant under section 5" substitute "—

        (a)   a targeted interception warrant or mutual assistance warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or

        (b)   a bulk interception warrant under Chapter 1 of Part 6 of that Act".

(3) In subsection (4) omit the words from "; and references" to the end.

(4) In subsection (5) omit the words from ", except that" to the end.

50   In section 82 (amendments, repeals and savings etc.) omit subsections (4) to (6).

Commencement Information

I10   Sch. 10 para. 50 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

Criminal Justice and Licensing (Scotland) Act 2010 (2010 asp 13)

51   In section 159 of the Criminal Justice and Licensing (Scotland) Act 2010, for "section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23)" substitute " section 56 of the Investigatory Powers Act 2016 ".

Commencement Information

I11   Sch. 10 para. 51 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

Investigatory Powers Act 2016 (c. 25)
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Justice and Security Act 2013

52   In section 6(4)(b) of the Justice and Security Act 2013 (declaration permitting closed material applications in proceedings) for sub-paragraph (iii) substitute—
> "(iii) section 56(1) of the Investigatory Powers Act 2016 (exclusion for intercept material),".

Commencement Information
I12   Sch. 10 para. 52 in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**

Status:
Point in time view as at 27/06/2018. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:
Investigatory Powers Act 2016, Part 2 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.