
STATUTORY INSTRUMENTS

2020 No. 766 (C. 26)

INVESTIGATORY POWERS

**The Investigatory Powers Act 2016
(Commencement No. 12) Regulations 2020**

Made - - - - *20th July 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 272(1) of the Investigatory Powers Act 2016⁽¹⁾.

Citation

1. These Regulations may be cited as the Investigatory Powers Act 2016 (Commencement No. 12) Regulations 2020.

Provisions coming into force on 22nd July 2020

2. The following provisions of the Investigatory Powers Act 2016 come into force on 22nd July 2020—

- (a) section 12 (abolition or restriction of certain powers to obtain communications data);
- (b) in section 243 (functions of the Investigatory Powers Tribunal in relation to the Investigatory Powers Act 2016), subsection (1), so far as not already in force;
- (c) section 271 (schedule 10: minor and consequential provision), subsection (1), so far as relating to the provisions coming into force by virtue of this regulation;
- (d) Schedule 2 (abolition of disclosure powers);
- (e) in Schedule 10 (minor and consequential provision)—
 - (i) in paragraph 6, sub-paragraphs (4) and (5), except in so far as these definitions relate to protected information (as defined by the Regulation of Investigatory Powers Act 2000⁽²⁾) which has come into the possession of a person in the circumstances specified in section 49(1)(b) of that Act by means of the exercise of any power conferred by an authorisation under Chapter 1 of Part 1 of that Act;
 - (ii) paragraph 54;
 - (iii) paragraphs 56 to 60;

(1) 2016 c. 25.
(2) 2000 c. 23.

- (iv) in Part 8 (repeals and revocations consequential on other repeals or amendments in the Act), the repeal or revocation of the following provisions—
- (aa) sections 83 and 86(12) of, and paragraph 18 of Schedule 4 to, the Serious Crime Act 2015⁽³⁾;
 - (bb) paragraphs 7 and 8 of Schedule 12 to the Serious Crime Act 2007⁽⁴⁾;
 - (cc) paragraph 4(5) in the Schedule to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007⁽⁵⁾;
 - (dd) section 7 of, and paragraphs 13 and 14 of Schedule 7 to, the Policing and Crime Act 2009⁽⁶⁾;
 - (ee) section 37 of, and paragraphs 7 and 8 and paragraph 16(b)(i), (and the word “and” at the end of sub-paragraph (i)) of Schedule 9 to, the Protection of Freedoms Act 2012⁽⁷⁾;
 - (ff) paragraph 81 of Schedule 8 to the Crime and Courts Act 2013⁽⁸⁾;
 - (gg) paragraph 33(5) to (8) of Schedule 2 to the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013⁽⁹⁾.

20th July 2020

James Brokenshire
Minister of State
Home Office

(3) 2015 c. 9.
(4) 2007 c. 27.
(5) S.I. 2007/1098.
(6) 2009 c. 26.
(7) 2012 c. 9.
(8) 2013 c. 22.
(9) S.I. 2013/602.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force almost all of the remaining provisions in the Investigatory Powers Act 2016 (“the 2016 Act”). In particular, these Regulations bring into force section 12 and Schedule 2 which remove from various public authorities their powers to obtain communications data outside of the 2016 Act without the consent of the telecommunications operator or the postal operator holding the communications data. These Regulations also bring into force paragraph 54 of Schedule 10 which repeals Chapter 2 of Part 1 of the Regulation of Investigatory Powers Act 2000 (“the 2000 Act”). These Regulations bring into force various other provisions in Schedule 10 to the 2016 Act which make changes consequential to the removal of these powers to obtain communications data.

These Regulations also bring into force amendments in section 243(1)(a) of the 2016 Act to section 65 of the 2000 Act which relate to the scope of the powers of the Investigatory Powers Tribunal (“the IPT”) to investigate complaints relating to the conduct that may be permitted or required under Part 3 of the 2016 Act. Section 243(1)(h) is also brought into force with the effect that section 65 of the 2000 Act is amended to bring complaints about the giving, or purported giving, of a notice under section 49 of the 2000 Act (notices requiring disclosure) within the scope of the IPT.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Investigatory Powers Act 2016 (c. 25) have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	13.02.17	2017/137(10)
Section 2 (partially)	30.12.16	2016/1233
Section 2 (partially)	12.03.18	2018/341
Section 2 (partially)	31.05.18	2018/652
Section 2 (partially)	27.06.18	2018/652
Section 2 (partially)	25.07.18	2018/873
Section 2 (partially)	22.08.18	2018/873
Section 2 (remainder)	05.02.19	2019/174
Section 3	27.06.18	2018/652
Sections 4 to 6	31.05.18	2018/652
Section 7	27.06.18	2018/652
Section 8	27.06.18	2018/652
Section 9 (partially)	27.06.18	2018/652

(10) Amended by S.I. 2017/143.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 9 (remainder)	26.09.18	2018/940
Section 10(1) and (2) (partially)	27.06.18	2018/652
Section 10(3) (partially)	31.05.18	2018/652
Section 10(3) (remainder)	27.06.18	2018/652
Section 10 (remainder)	26.09.18	2018/940
Section 11	05.02.19	2019/174
Section 13	08.08.18	2018/652
Section 14	16.01.19	2018/1246
Section 15(6) (partially)	01.09.17	2017/859
Section 15 (remainder)	31.05.18	2018/652
Section 16(4) to (6) (partially)	01.09.17	2017/859
Section 16 (remainder)	31.05.18	2018/652
Section 17	31.05.18	2018/652
Section 18 (partially)	31.05.18	2018/652
Section 18 (remainder)	30.08.18	2018/940
Section 19 (partially)	31.05.18	2018/652
Section 19 (remainder)	27.06.18	2018/652
Section 20	31.05.18	2018/652
Section 21 (partially)	31.05.18	2018/652
Section 21 (remainder)	30.08.18	2018/940
Section 22	31.05.18	2018/652
Section 23	31.05.18	2018/652
Section 24	27.06.18	2018/652
Section 25	27.06.18	2018/652
Sections 26 to 31	31.05.18	2018/652
Sections 32 to 34	27.06.18	2018/652
Section 35 (partially)	27.06.18	2018/652
Section 35 (remainder)	26.09.18	2018/940
Sections 36 to 39	27.06.18	2018/652
Section 40 (partially)	31.05.18	2018/652
Section 40 (remainder)	27.06.18	2018/652
Sections 41 to 52	27.06.18	2018/652
Section 53	31.05.18	2018/652
Section 54	31.05.18	2018/652

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 55 to 57	27.06.18	2018/652
Section 58 (partially)	27.06.18	2018/652
Section 58 (remainder)	26.09.18	2018/940
Section 59	27.06.18	2018/652
Section 60(1) (partially)	13.02.17	2017/137
Section 60 (remainder)	31.05.18	2018/652
Section 61(7) (partially)	30.12.16	2016/1233
Section 61 (remainder)	05.02.19	2019/174
Section 62 to 86	05.02.19	2019/174
Section 87, except subsection (1)(b)	30.12.16	2016/1233
Section 87 (remainder)	01.11.18	2018/873
Section 88	30.12.16	2016/1233
Section 89	01.11.18	2018/873
Section 90(13)	30.12.16	2016/1233
Section 90 (remainder)	01.11.18	2018/873
Section 91	01.11.18	2018/873
Section 92	30.12.16	2016/1233
Section 93	30.12.16	2016/1233
Section 94 (partially)	30.12.16	2016/1233
Section 94 (remainder)	01.11.18	2018/873
Section 95	30.12.16	2016/1233
Section 96	01.11.18	2018/873
Section 97	30.12.16	2016/1233
Section 98	30.12.16	2016/1233
Sections 99 to 101	31.05.18	2018/652
Section 102(1) to (3) (partially)	31.05.18	2018/652
Section 102(1) to (3) (remainder)	27.06.18	2018/652
Section 102(4) (partially)	31.05.18	2018/652
Section 102(4) (partially)	27.06.18	2018/652
Section 102(5) to (9)	31.05.18	2018/652
Section 103 (partially)	31.05.18	2018/652
Section 103 (remainder)	27.06.18	2018/652
Section 104 (partially)	31.05.18	2018/652
Section 104 (remainder)	27.06.18	2018/652

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 105	31.05.18	2018/652
Section 106 (partially)	28.11.18	2018/1246
Section 106 (remainder)	05.12.18	2018/1246
Section 107	28.11.18	2018/1246
Section 108 (partially)	31.05.18	2018/652
Section 108 (remainder)	28.11.18	2018/1246
Section 109	27.06.18	2018/652
Section 110	27.06.18	2018/652
Section 111 (partially)	31.05.18	2018/652
Section 111 (remainder)	28.11.18	2018/1246
Sections 112 to 114	31.05.18	2018/652
Section 115 (partially)	31.05.18	2018/652
Section 115 (remainder)	28.11.18	2018/1246
Section 116	27.06.18	2018/652
Section 117 (partially)	27.06.18	2018/652
Section 107 (remainder)	05.12.18	2018/1246
Sections 118 to 122	27.06.18	2018/652
Sections 123 and 124	05.12.18	2018/1246
Section 125 (partially)	27.06.18	2018/652
Section 125 (remainder)	05.12.18	2018/1246
Section 126	27.06.18	2018/652
Section 127	27.06.18	2018/652
Section 128 (partially)	27.06.18	2018/652
Section 128 (remainder)	05.12.18	2018/1246
Section 129 (partially)	31.05.18	2018/652
Section 129 (remainder)	28.11.18	2018/1246
Section 130	31.05.18	2018/652
Sections 131 to 134	27.06.18	2018/652
Sections 135 to 137	31.05.18	2018/652
Section 138 (partially)	31.05.18	2018/652
Section 138 (remainder)	27.06.18	2018/652
Sections 139 to 142	31.05.18	2018/652
Sections 143 to 149	27.06.18	2018/652
Section 150	31.05.18	2018/652

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 151	31.05.18	2018/652
Sections 152 to 156	27.06.18	2018/652
Section 157	31.05.18	2018/652
Section 158 (partially)	25.07.18	2018/873
Section 158 (remainder)	22.08.18	2018/873
Sections 159 to 161	25.07.18	2018/873
Sections 162 to 170	22.08.18	2018/873
Sections 171 and 172	25.07.18	2018/873
Sections 173 and 174	22.08.18	2018/873
Section 175	25.07.18	2018/873
Section 176	31.05.18	2018/652
Section 177	31.05.18	2018/652
Section 178 (partially)	31.05.18	2018/652
Section 178 (remainder)	27.06.18	2018/652
Section 179	31.05.18	2018/652
Section 180	27.06.18	2018/652
Section 181	27.06.18	2018/652
Section 182	31.05.18	2018/652
Section 183	31.05.18	2018/652
Sections 184 to 190	27.06.18	2018/652
Section 191	31.05.18	2018/652
Section 192	31.05.18	2018/652
Sections 193 to 197	27.06.18	2018/652
Section 198	31.05.18	2018/652
Section 199 (partially)	01.09.17	2017/859
Section 199 (remainder)	25.07.18	2018/873
Section 200(3)	25.07.18	2018/873
Section 200 (remainder)	22.08.18	2018/873
Section 201	22.08.18	2018/873
Section 202	25.07.18	2018/873
Section 203	25.07.18	2018/873
Section 204 (partially)	25.07.18	2018/873
Section 204 (remainder)	22.08.18	2018/873
Section 205 (partially)	25.07.18	2018/873

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 205 (remainder)	22.08.18	2018/873
Sections 206 to 208	25.07.18	2018/873
Sections 209 and 210	22.08.18	2018/873
Sections 211 and 212	25.07.18	2018/873
Sections 213 to 220	22.08.18	2018/873
Section 221	25.07.18	2018/873
Sections 222 to 224	22.08.18	2018/873
Section 225 (partially)	25.07.18	2018/873
Section 225 (remainder)	22.08.18	2018/873
Section 226	25.07.18	2018/873
Section 229 (partially)	13.02.17	2017/137
Section 229 (partially)	01.09.17	2017/859
Section 229 (partially)	12.03.18	2018/341
Section 229 (partially)	27.06.18	2018/652
Section 229 (partially)	22.08.18	2018/873
Section 229 (partially)	01.11.18	2018/873
Section 229 (remainder)	05.02.19	2019/174
Section 230	13.02.17	2017/137
Section 231(1) to (8)	27.06.18	2018/652
Section 231(9) (partially)	27.06.18	2018/652
Section 231(9) (partially)	22.08.18	2018/873
Section 231(9) (partially)	26.09.18	2018/940
Section 231(9) (partially)	01.11.18	2018/873
Section 231(9) (partially)	05.12.18	2018/1246
Section 231 (partially)	05.02.19	2019/174
Section 232	13.02.17	2017/137
Section 233(1) (partially)	13.02.17	2017/137
Section 233 (remainder)	01.09.17	2017/859
Section 234 (partially)	13.02.17	2017/137
Section 234 (partially)	01.09.17	2017/859
Section 234 (partially)	27.06.18	2018/652
Section 234 (remainder)	22.08.18	2018/873
Section 235(1) to (4)	13.02.17	2017/137
Section 235(5)	01.09.17	2017/859

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Section 235(7)	13.02.17	2017/137
Section 235 (remainder)	27.06.18	2018/652
Section 236	01.09.17	2017/859
Section 237	13.02.17	2017/137
Section 238, except subsection (6)(b) and (c)	13.02.17	2017/137
Section 238 (remainder)	25.07.18	2018/873
Section 239	13.02.17	2017/137
Section 240	01.09.17	2017/859
Section 241	13.02.17	2017/137
Section 242	31.12.18	2018/1379
Section 243 (partially)	12.03.18	2018/341
Section 243 (partially)	27.06.18	2018/652
Section 243 (partially)	22.08.18	2018/873
Section 243 (partially)	30.08.18	2018/940
Section 243 (partially)	01.11.18	2018/873
Section 243 (partially)	05.12.18	2018/1246
Section 243 (partially)	05.02.19	2019/174
Section 244	30.12.16	2016/1233
Section 245	12.03.18	2018/341
Section 246	13.02.17	2017/137
Section 247	13.02.17	2017/137
Section 248 (partially)	31.05.18	2018/652
Section 248 (partially)	27.06.18	2018/652
Section 248 (partially)	30.08.18	2018/940
Section 248 (partially)	26.09.18	2018/940
Section 248 (partially)	28.11.18	2018/1246
Section 248 (remainder)	05.12.18	2018/1246
Section 249 (partially)	30.12.16	2016/1233
Section 249 (partially)	12.03.18	2018/341
Section 249 (remainder)	27.06.18	2018/652
Section 250	13.02.17	2017/137
Section 251	13.02.17	2017/137
Section 252	12.03.18	2018/341
Section 253(3) to (6)	13.02.17	2017/137

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Section 253 (remainder)	12.03.18	2018/341
Sections 254 to 258	12.03.18	2018/341
Section 259	27.06.18	2018/652
Section 270 (partially)	30.12.16	2016/1233
Section 270 (partially)	25.07.18	2018/873
Section 270 (partially)	30.08.18	2018/940
Section 270 (remainder)	05.02.19	2019/174
Section 271 (partially)	30.12.16	2016/1233
Section 271 (partially)	12.03.18	2018/341
Section 271 (partially)	27.06.18	2018/652
Section 271 (partially)	08.08.18	2018/652
Section 271 (partially)	22.08.18	2018/873
Section 271 (partially)	30.08.18	2018/940
Section 271 (partially)	26.09.18	2018/940
Section 271 (partially)	01.11.18	2018/873
Section 271 (partially)	07.11.18	2018/940
Section 271 (partially)	05.12.18	2018/1246
Section 271 (partially)	05.02.19	2019/174
Schedule 1	27.06.18	2018/652
Schedule 3	27.06.18	2018/652
Schedule 4	05.02.19	2019/174
Schedule 5	05.02.19	2019/174
Schedule 6	28.11.18	2018/1246
Schedule 7	13.02.17	2017/137
Schedule 8, paragraphs 1 and 2 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 1 and 2 (remainder)	06.07.18	2018/817
Schedule 8, paragraph 3 (partially)	30.08.18	2018/940
Schedule 8, paragraph 3 (remainder)	26.09.18	2018/940
Schedule 8, paragraph 4 (partially)	31.05.18	2018/652
Schedule 8, paragraph 4 (remainder)	06.07.18	2018/817
Schedule 8, paragraphs 5 to 7 (partially)	30.08.18	2018/940
Schedule 8, paragraphs 5 to 7 (remainder)	26.09.18	2018/940
Schedule 8, paragraphs 8 to 10 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 8 to 10 (remainder)	06.07.18	2018/817

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 8, paragraphs 11 and 12 (partially)	28.11.18	2018/1246
Schedule 8, paragraphs 11 and 12 (remainder)	05.12.18	2018/1246
Schedule 8, paragraphs 13 and 14 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 13 and 14 (remainder)	06.07.18	2018/817
Schedule 8, paragraph 15	31.05.18	2018/652
Schedule 8, paragraph 16 (partially)	31.05.18	2018/652
Schedule 8, paragraph 16 (remainder)	27.06.18	2018/652
Schedule 8, paragraphs 17 to 19	31.05.18	2018/652
Schedule 8, paragraphs 20 to 23 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 20 to 23 (remainder)	27.06.18	2018/652
Schedule 8, paragraph 24	26.09.18	2018/940
Schedule 8, paragraph 25	27.06.18	2018/652
Schedule 8, paragraph 26	26.09.18	2018/940
Schedule 8, paragraphs 27 to 32	27.06.18	2018/652
Schedule 8, paragraph 33	31.05.18	2018/652
Schedule 9, paragraph 1	27.06.18	2018/652
Schedule 9, paragraph 2	05.02.19	2019/174
Schedule 9, paragraphs 3 to 5	30.12.16	2016/1233
Schedule 9, paragraph 6	25.07.18	2018/873
Schedule 9, paragraph 7	30.08.18	2018/940
Schedule 9, paragraphs 8 and 9	30.12.16	2016/1233
Schedule 9, paragraph 10	27.06.18	2018/652
Schedule 10, paragraphs 1 to 4	27.06.18	2018/652
Schedule 10, paragraph 5	27.12.18	2018/940
Schedule 10, paragraph 6 (partially)	27.06.18	2018/652
Schedule 10, paragraph 6 (partially)	27.12.18	2018/940
Schedule 10, paragraph 6 (partially)	05.02.19	2019/174
Schedule 10, paragraphs 7 to 35	27.06.18	2018/652
Schedule 10, paragraph 36	27.12.18	2018/940
Schedule 10, paragraph 37	27.06.18	2018/652
Schedule 10, paragraph 38	27.12.18	2018/940
Schedule 10, paragraph 39	27.06.18	2018/652
Schedule 10, paragraph 40	27.12.18	2018/940
Schedule 10, paragraphs 41 to 44	27.06.18	2018/652

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Schedule 10, paragraph 45 (partially)	12.03.18	2018/341
Schedule 10, paragraph 45 (partially)	27.06.18	2018/652
Schedule 10, paragraph 45 (partially)	08.08.18	2018/652
Schedule 10, paragraph 45 (partially)	26.09.18	2018/940
Schedule 10, paragraph 45 (partially)	07.11.18	2018/940
Schedule 10, paragraph 45 (remainder)	27.12.18	2018/940
Schedule 10, paragraph 46	30.08.18	2018/940
Schedule 10, paragraph 47	27.12.18	2018/940
Schedule 10, paragraph 48	12.03.18	2018/341
Schedule 10, paragraph 49	27.12.18	2018/940
Schedule 10, paragraphs 50 to 52	27.06.18	2018/652
Schedule 10, paragraph 53	05.02.19	2019/174
Schedule 10, paragraph 55 (partially)	05.02.19	2019/174
Schedule 10, paragraph 61	05.02.19	2019/174
Schedule 10, paragraph 62	01.11.18	2018/873
Schedule 10, paragraph 63	30.12.16	2016/1233
Schedule 10, paragraphs 64 and 65	27.06.18	2018/652
Schedule 10, paragraph 66	05.12.18	2018/1246
Schedule 10, paragraph 67	01.09.17	2017/859
Schedule 10, paragraph 68	05.12.18	2018/1246
Schedule 10, paragraph 69	01.09.17	2017/859
Schedule 10, paragraph 70	05.12.18	2018/1246
Schedule 10, paragraphs 71 to 98	01.09.17	2017/859
Schedule 10, paragraph 99 (partially)	12.03.18	2018/341
Schedule 10, paragraph 99 (remainder)	22.08.18	2018/873
Schedule 10, paragraph 100	12.03.18	2018/341
Schedule 10, paragraphs 101 (partially)	27.06.18	2018/652
Schedule 10, paragraph 101 (remainder)	05.02.19	2019/174
Schedule 10, Part 8 (partially)	30.12.16	2016/1233
Schedule 10, Part 8 (partially)	22.08.18	2018/873
Schedule 10, Part 8 (partially)	30.08.18	2018/940
Schedule 10, Part 8 (partially)	07.11.18	2018/940
Schedule 10, Part 8 (partially)	27.12.18	2018/940

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