

Draft Regulations laid before Parliament under section 71(9) of the Regulation of Investigatory Powers Act 2000 and paragraph 5(5) of Schedule 7 to the Investigatory Powers Act 2016, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2022 No.

INVESTIGATORY POWERS

The Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022

Made - - - - - ***

Coming into force - - - - - ***

The Secretary of State makes these Regulations in exercise of the powers conferred by section 71(5) and (8) of the Regulation of Investigatory Powers Act 2000(**a**) (“the 2000 Act”) and paragraph 5(4) of Schedule 7 to the Investigatory Powers Act 2016(**b**) (“the 2016 Act”).

In accordance with section 71(3), (7) and (8) of the 2000 Act and paragraph 5(2) of Schedule 7 to the 2016 Act, the Secretary of State has prepared and published drafts of the codes of practice brought into force by these Regulations and considered representations made about them.

In accordance with paragraph 5(3) of Schedule 7 to the 2016 Act, the Secretary of State has consulted the Investigatory Powers Commissioner about the code of practice entitled “Interception of Communications”.

In accordance with section 71(4) and (8) of the 2000 Act and paragraph 5(6) of Schedule 7 to the 2016 Act, drafts of the codes of practice brought into force by these Regulations were laid before both Houses of Parliament.

In accordance with section 71(9) of the 2000 Act and paragraph 5(5) of Schedule 7 to the 2016 Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(a) 2000 c. 23. Section 71(8) was amended by paragraph 5(4) of Schedule 10(1) to the Investigatory Powers Act 2016 (c. 25).
(b) 2016 c. 25.

Codes of practice

2. The following revised codes of practice, drafts of which were laid before Parliament on 19th October 2022, come into force on the day these Regulations come into force—

- (a) the code of practice entitled “Covert Human Intelligence Sources”;
- (b) the code of practice entitled “Interception of Communications”.

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the revised code of practice entitled “Covert Human Intelligence Sources”, prepared under section 71 of the Regulation of Investigatory Powers Act 2000 (c. 23) (“the 2000 Act”). The purpose of this code is to provide guidance on the authorisation for the conduct or use of covert human intelligence sources by public authorities under Part 2 of the 2000 Act.

Under section 72(1) of the 2000 Act, a person must (in so far as applicable) have regard to a code of practice made under section 71 of the 2000 Act when exercising any powers or duties to which the code relates.

These Regulations also bring into force the revised code of practice entitled “Interception of Communications” prepared under paragraph 5 of Schedule 7 to the Investigatory Powers Act 2016 (c. 25) (“the 2016 Act”). The purpose of this code is to provide guidance on the procedures that must be followed in relation to the interception of communications and the obtaining of secondary data under Part 2 and Chapter 1 of Part 6 of the 2016 Act.

Under paragraph 6(1) of Schedule 7 to the 2016 Act, a person must have regard to a code of practice when exercising any functions to which the code relates.

The codes of practice will be published by the Stationery Office Limited and copies may be obtained from them directly (online or from their bookshops). The codes of practice will also be available on the Regulation of Investigatory Powers 2000 and the Investigatory Powers Act 2016 Codes of Practice pages of the GOV.UK website (www.gov.uk).

The revised codes are laid before Parliament with these Regulations. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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