



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART IV

SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

Codes of practice

71 Issue and revision of codes of practice

- (1) The Secretary of State shall issue one or more codes of practice relating to the exercise and performance of the powers and duties mentioned in subsection (2).
- (2) Those powers and duties are those (excluding any power to make subordinate legislation) that are conferred or imposed otherwise than on the Surveillance Commissioners by or under—
 - (a) Parts I to III of this Act;
 - (b) section 5 of the Intelligence Services Act 1994 (warrants for interference with property or wireless telegraphy for the purposes of the intelligence services); and
 - (c) Part III of the Police Act 1997 (authorisation by the police or customs and excise of interference with property or wireless telegraphy).
- (3) Before issuing a code of practice under subsection (1), the Secretary of State shall—
 - (a) prepare and publish a draft of that code; and
 - (b) consider any representations made to him about the draft;and the Secretary of State may incorporate in the code finally issued any modifications made by him to the draft after its publication.
- (4) The Secretary of State shall lay before both Houses of Parliament every draft code of practice prepared and published by him under this section.

Status: This is the original version (as it was originally enacted).

- (5) A code of practice issued by the Secretary of State under this section shall not be brought into force except in accordance with an order made by the Secretary of State.
- (6) An order under subsection (5) may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the bringing into force of the code brought into force by that order.
- (7) The Secretary of State may from time to time—
 - (a) revise the whole or any part of a code issued under this section; and
 - (b) issue the revised code.
- (8) Subsections (3) to (6) shall apply (with appropriate modifications) in relation to the issue of any revised code under this section as they apply in relation to the first issue of such a code.
- (9) The Secretary of State shall not make an order containing provision for any of the purposes of this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.