



Investigatory Powers Act 2016

CHAPTER 25

INVESTIGATORY POWERS ACT 2016

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- 6 (1) The Commissioner must not serve a monetary penalty notice...

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- 7 (1) The Commissioner may vary or cancel a monetary penalty...

Appeals in relation to monetary penalty notices

- 8 (1) A person on whom a monetary penalty notice is...

Enforcement of monetary penalty notices

- 9 (1) This paragraph applies in relation to any penalty payable...
- 10 (1) A person on whom a monetary penalty notice containing...

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- 11 (1) The Commissioner must prepare and issue guidance on how...

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- 12 In this Part of this Schedule— “address” means— in the...
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- 13 (1) The Commissioner may by notice (an “information notice”) request...
- 14 (1) The Commissioner may not vary an information notice except...

Appeals in relation to information notices

- 15 (1) A person on whom an information notice is served...

Enforcement of information notices

- 16 (1) The Commissioner may serve a Part 2 monetary penalty...
- 17 (1) Part 1 of this Schedule applies in relation to...

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- 19 In this Part of this Schedule— “the Commissioner” means the...

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Criminal Justice Act 1987

- 2 In section 2 of the Criminal Justice Act 1987 (investigation...

Consumer Protection Act 1987

- 3 In section 29 of the Consumer Protection Act 1987 (powers...

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- 4 In section 71 of the Environmental Protection Act 1990 (obtaining...

Social Security Administration Act 1992

- 5 In section 109B of the Social Security Administration Act 1992...
6 In section 109C of the Social Security Administration Act 1992...

Social Security Administration (Northern Ireland) Act 1992

- 7 In section 103B of the Social Security Administration (Northern
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8 In section 103C of the Social Security Administration (Northern
Ireland)...

Financial Services and Markets Act 2000

- 9 In section 175 of the Financial Services and Markets Act...

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- 10

*Prevention of Social Housing Fraud (Power to Require
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- 11 In regulation 4 of the Prevention of Social Housing Fraud...

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- 1 This Schedule contains— (a) exceptions to the exclusion by section...

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- 2 (1) Section 56(1)(a) does not prohibit the disclosure of any...

Disclosures of convictions for certain offences

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Proceedings before the Investigatory Powers Tribunal etc.

- 4 Section 56(1) does not apply in relation to—

Proceedings before Special Immigration Appeals Commission

- 5 (1) Section 56(1) does not apply in relation to—

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Proceedings before Proscribed Organisations Appeal Commission

6 (1) Section 56(1) does not apply in relation to—

Closed material proceedings

7 (1) Section 56(1) does not apply in relation to any...

TPIM proceedings

8 (1) Section 56(1) does not apply in relation to—

Proceedings under Part 2 of the National Security Act 2023

8A (1) Section 56(1) does not apply in relation to—

TEO proceedings

9 (1) Section 56(1) does not apply in relation to—

Sanctions proceedings

9A (1) Section 56(1) does not apply in relation to any...

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- 10 (1) Section 56(1) does not apply in relation to—
 11 Section 56(1) does not apply in relation to any proceedings—...
 12 But paragraph 10 does not permit the disclosure of anything...

Proceedings relating to release of prisoners etc. in Northern Ireland

13 (1) Section 56(1) does not apply in relation to—

Employment or industrial tribunal proceedings

- 14 (1) Section 56(1) does not apply in relation to any...
 15 But paragraph 14 does not permit the disclosure of anything...

Proceedings relating to dismissal for certain offences

16 Section 56(1) does not prohibit anything done in, for the...

Proceedings on appeals relating to claims of discrimination in Northern Ireland

- 17 (1) Section 56(1) does not apply in relation to any...
 18 But paragraph 17 does not permit the disclosure of anything...

Civil proceedings for enforcement of duty to assist with implementation of warrants

19 Section 56(1) does not apply in relation to any civil...

Proceedings for certain offences

20 (1) Section 56(1) does not apply in relation to any...

Disclosures to prosecutors and judges

21 (1) Nothing in section 56(1) prohibits— (a) a disclosure to...

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Disclosures to inquiries and inquests

- 22 (1) Nothing in section 56(1) prohibits— (a) a disclosure to...
- 23 (1) Section 56(1) does not apply in relation to any...
- 24 (1) Nothing in section 56(1) prohibits— (a) a disclosure to...

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Requirement for public authority to provide reports to Secretary of State

- 2 (1) A public authority, when exercising functions by virtue of...

Transfer schemes in connection with transfer of functions

- 3 (1) The Secretary of State may, in connection with regulations...

Tax in connection with transfer schemes

- 4 (1) The Treasury may by regulations make provision varying the...

Supplementary and other general provision

- 5 The power to make regulations under section 83(1) includes, in...
- 6 The power to make regulations under— (a) section 83, or...

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Part 2 — TABLE: PART 2

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- 1 (1) This paragraph applies for the purposes of the first...
- 2 (1) This paragraph applies for the purposes of the sixth...
- 3 For the purpose of the sixth entry in Part 2...
- 4 In this Schedule, “police force” means— (a) any police force...

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- 1 (1) The Secretary of State must issue one or more...
- 2 (1) Each code must include— (a) provision designed to protect...
- 3 (1) A code about the exercise of functions conferred by...

Procedural requirements

- 4 (1) Before issuing a code the Secretary of State must—...

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Revision of codes

- 5 (1) The Secretary of State may from time to time...

Effect of codes

- 6 (1) A person must have regard to a code when...

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Part 1 — COMBINATIONS WITH TARGETED INTERCEPTION WARRANTS

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- 1 The Secretary of State may, on an application made by...
 2 The Secretary of State may, on an application made by...
 3 (1) The Secretary of State may, on an application made...

Warrants that may be issued by Scottish Ministers

- 4 The Scottish Ministers may, on an application made by or...
 5 The Scottish Ministers may, on an application made by or...
 6 The Scottish Ministers may, on an application made by or...
 7 (1) The Scottish Ministers may, on an application made by...

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Warrants that may be issued by Secretary of State

- 8 The Secretary of State may, on an application made by...
 9 The Secretary of State may, on an application made by...

Warrants that may be issued by Scottish Ministers

- 10 The Scottish Ministers may, on an application made by or...

Warrants that may be issued by other persons

- 11 (1) A law enforcement chief may, on an application made...
 12 (1) A law enforcement chief within sub-paragraph (2) may, on...

Part 3 — COMBINATIONS INVOLVING TARGETED EXAMINATION WARRANTS ONLY

- 13 The Secretary of State may, on an application made by...
 14 The Scottish Ministers may, on an application made by or...

Part 4 — COMBINED WARRANTS: SUPPLEMENTARY PROVISION

Introductory

- 15 In this Part of this Schedule “combined warrant” means a...

General

- 16 (1) Where Part 1, 2 or 3 of this Schedule...
 17 (1) A combined warrant must be addressed to the person...
 18 A combined warrant must contain a provision stating which warrants...
 19 Any reference in any enactment to a warrant or other...

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Rules about issue etc. applying separately in relation to each part of a combined warrant

- 20 (1) The law about the following matters, so far as...

Rules about issue etc. applying in relation to combined warrants

- 21 (1) A combined warrant under Part 1 of this Schedule...
22 (1) A combined warrant under Part 2 of this Schedule...
23 (1) A combined warrant under Part 3 of this Schedule...
24 (1) In consequence of paragraphs 21 and 22, the following...
25 In consequence of paragraphs 21 and 22, the following provisions...
26 In consequence of paragraphs 21 and 22, the following provisions...

Modification of rules as to duration

- 27 (1) Where a combined warrant includes warrants or authorisations which...

Special rules about the application of this Act to combined warrants

- 28 (1) This paragraph applies where under section 24(3) a Judicial...
29 Where under section 109(3) a Judicial Commissioner refuses to approve...
30 (1) This paragraph applies to any provision in Part 2...
31 Any reference in section 56 (exclusion of matters from legal...
32 (1) The reference in section 58(7) to the provisions of...

Power to make consequential amendments

- 33 (1) The Secretary of State may by regulations make such...

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Lawful interception of communications

- 1 Any agreement which, immediately before the day on which section...

Authorisations for obtaining communications data

- 2 The reference to the Gangmasters and Labour Abuse Authority in...

Retention of communications data

- 3 (1) A retention notice under section 1 of the Data...
4 (1) Sub-paragraph (2) applies if any power to give, vary...
5 (1) The repeal of section 1(7) of the Data Retention...

Definitions of “other relevant crime” and “serious crime”

- 6 (1) The definitions of— (a) “serious crime” in section 86(2A),...

Savings for particular purposes

- 7 Nothing in this Act affects any power conferred on a...
8 Nothing in Part 4 of this Act prevents the retention...
9 The amendments made to the Regulation of Investigatory Powers Act...

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General saving for lawful conduct

10 Nothing in any of the provisions of this Act by...

SCHEDULE 10 — Minor and consequential provision

Part 1 — GENERAL AMENDMENTS

Police Act 1997

1 In section 93(1A) of the Police Act 1997 (authorisations to...

Northern Ireland Act 1998

2 In paragraph 9(1) of Schedule 3 to the Northern Ireland...

Regulation of Investigatory Powers Act 2000

3 The Regulation of Investigatory Powers Act 2000 is amended as...

4 In section 27(4)(a) (lawful surveillance etc: conduct to be dealt...

5 (1) Section 71 (issue and revision of codes of practice)...

6 (1) Section 81(1) (general definitions) is amended as follows.

Political Parties, Elections and Referendums Act 2000

7 In paragraph 28(4) of Schedule 19C to the Political Parties,...

Public Finance and Accountability (Scotland) Act 2000 (2000 asp 1)

8 (1) The Public Finance and Accountability (Scotland) Act 2000 is...

Social Security Fraud Act 2001

9 In section 4(1)(b) of the Social Security Fraud Act 2001...

Social Security Fraud Act (Northern Ireland) 2001

10 In section 4(1)(b) of the Social Security Fraud Act (Northern...

Justice (Northern Ireland) Act 2002

11 In section 5A(3)(b) of the Justice (Northern Ireland) Act 2002...

Proceeds of Crime Act 2002

12 (1) The Proceeds of Crime Act 2002 is amended as...

Police Reform Act 2002

13 In paragraph 19ZA(2)(c) of Schedule 3 to the Police Reform...

Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426)

14 After regulation 5A(8) of the Privacy and Electronic Communications
(EC...

Audit and Accountability (Northern Ireland) Order 2003 (S.I. 2003/418 (N.I. 5))

15 In Article 4C(3)(b) of the Audit and Accountability (Northern Ireland)...

Changes to legislation: *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 08 February 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. (See end of Document for details) View outstanding changes*

Public Audit (Wales) Act 2004

16 In section 64C(3)(b) of the Public Audit (Wales) Act 2004...

Constitutional Reform Act 2005

17 In section 107(3)(b) of the Constitutional Reform Act 2005
(disclosure...

Commissioners for Revenue and Customs Act 2005

18 In section 22(b) of the Commissioners for Revenue and Customs...

Serious Crime Act 2007

19 (1) The Serious Crime Act 2007 is amended as follows....

Legal Services Act 2007

20 In section 169(3)(b) of the Legal Services Act 2007 (disclosure...

Regulatory Enforcement and Sanctions Act 2008

21 In section 70(4) of the Regulatory Enforcement and Sanctions Act...

Counter-Terrorism Act 2008

22 In section 20(2)(b) of the Counter-Terrorism Act 2008 (disclosure and...

Borders, Citizenship and Immigration Act 2009

23 In section 19(1)(b) of the Borders, Citizenship and Immigration Act...

Marine and Coastal Access Act 2009

24 (1) The Marine and Coastal Access Act 2009 is amended...

Terrorist Asset-Freezing etc. Act 2010

25 In section 25(2)(b) of the Terrorist Asset-Freezing etc. Act 2010...

Marine (Scotland) Act 2010 (2010 asp 5)

26 In paragraph 12(5) of Schedule 2 to the Marine (Scotland)...

Charities Act 2011

27 In section 59(b) of the Charities Act 2011 (disclosure: supplementary)...

Prisons (Interference with Wireless Telegraphy) Act 2012

28 In section 4(6) of the Prisons (Interference with Wireless Telegraphy)...

Crime and Courts Act 2013

29 In paragraph 1(b) of Schedule 7 to the Crime and...

Marine Act (Northern Ireland) 2013 (c. 10 (N.I.))

30 In paragraph 8(5) of Schedule 2 to the Marine Act...

Changes to legislation: Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 08 February 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. (See end of Document for details) View outstanding changes

Local Audit and Accountability Act 2014

31 In paragraph 3(3)(b) of Schedule 9 to the Local Audit...

Anti-social Behaviour, Crime and Policing Act 2014

32 In paragraph 7(4)(b) of Schedule 4 to the Anti-social Behaviour,...

Immigration Act 2014

33 In paragraph 6(b) of Schedule 6 to the Immigration Act...

Data Retention and Investigatory Powers Act 2014

34 Omit sections 4(1), 7 and 8 of the Data Retention...

Immigration Act 2016

35 In section 7(2)(b) of the Immigration Act 2016 (information gateways:...
Part 2 — LAWFUL INTERCEPTION OF COMMUNICATIONS

Security Service Act 1989

36 In section 1(5) of the Security Service Act 1989 (meaning...

Official Secrets Act 1989

37 In section 4(3) of the Official Secrets Act 1989 (crime...

Intelligence Services Act 1994

38 In section 11(1A) of the Intelligence Services Act 1994 (meaning...

Criminal Procedure and Investigations Act 1996

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

Police Act 1997

40 In section 133A of the Police Act 1997 (meaning of...

Scotland Act 1998

41 In Section B8 of Part 2 of Schedule 5 to...

Northern Ireland Act 1998

42 In paragraph 17 of Schedule 2 to the Northern Ireland...

Financial Services and Markets Act 2000

43 In section 394(7)(a) of the Financial Services and Markets Act...

Regulation of Investigatory Powers Act 2000

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

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

46 (1) Section 49 (investigation of electronic data protected by encryption...

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

Changes to legislation: *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 08 February 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. (See end of Document for details) View outstanding changes*

- 48 In section 78(3)(a) (affirmative orders) omit “12(10), 13(3),”.
49 (1) Section 81 (general interpretation) is amended as follows.
50 In section 82 (amendments, repeals and savings etc.) omit subsections...

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

- 51 In section 159 of the Criminal Justice and Licensing (Scotland)...

Justice and Security Act 2013

- 52 In section 6(4)(b) of the Justice and Security Act 2013...
Part 3 — ACQUISITION OF COMMUNICATIONS DATA

Regulation of Investigatory Powers Act 2000

- 53 The Regulation of Investigatory Powers Act 2000 is amended as...
54 Omit Chapter 2 of Part 1 (acquisition and disclosure of...
55 In section 49(1)(c) (investigation of electronic data protected by encryption...
56 In section 71(2) (issue and revision of codes of practice)...
57 (1) Section 77A (procedure for order of sheriff under section...
58 (1) Section 77B (procedure for order of district judge under...
59 In section 78(3)(a) (affirmative orders) omit “22(9), 23A(6), 25(5),”.
60 In section 81(9) (general interpretation: certain references relating to Northern...

Police Reform Act 2002

- 61 (1) Paragraph 19ZA of Schedule 3 to the Police Reform...
Part 4 — RETENTION OF COMMUNICATIONS DATA

Anti-terrorism, Crime and Security Act 2001

- 62 Omit Part 11 of the Anti-terrorism, Crime and Security Act...

Data Retention and Investigatory Powers Act 2014

- 63 Omit sections 1 and 2 of the Data Retention and...
Part 5 — EQUIPMENT INTERFERENCE

Regulation of Investigatory Powers Act 2000

- 64 The Regulation of Investigatory Powers Act 2000 is amended as...
65 In section 48 (interpretation of Part 2), in subsection (3)(c)—...
66 (1) Paragraph 2 of Schedule 2 (persons having the appropriate...

Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11)

- 67 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended...
68 In section 5(3) (lawful surveillance etc.), after paragraph (a) (and...
69 In section 24(2) (issue and revision of codes of practice),...

Crime and Courts Act 2013

- 70 (1) In Schedule 1 to the Crime and Courts Act...
Part 6 — JUDICIAL COMMISSIONERS

Changes to legislation: *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 08 February 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. (See end of Document for details) View outstanding changes*

Police Act 1997

- 71 The Police Act 1997 is amended as follows.
- 72 In section 103(8) (appeals) for “the period” substitute “ any...
- 73 In section 105(1)(b)(iii) (reports of appeals dismissed) omit “under section...
- 74 In section 108(1) (interpretation of Part 3) after the definition...

Regulation of Investigatory Powers Act 2000

- 75 The Regulation of Investigatory Powers Act 2000 is amended as...
- 76 In section 37(9)(a) (appeals against decisions of ordinary Surveillance Commissioners)...
- 77 In section 39(3) (appeals: reports of Chief Surveillance Commissioner)
—
- 78 Omit section 40 (information to be provided to Surveillance Commissioners)....
- 79 In section 51(7)(b) (notification to Intelligence Services Commissioner or Chief...)
- 80 (1) Section 64 (delegation of Commissioners' functions) is amended as...
- 81 In section 71(2) (issue and revision of codes of practice)...
- 82 (1) Section 72 (effect of codes of practice) is amended...
- 83 (1) Section 81(1) (general definitions) is amended as follows.

Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11)

- 84 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended...
- 85 In the cross-heading before section 2 (Surveillance Commissioners) for “Surveillance”...
- 86 In section 2(10) (restrictions on appeals against Commissioners)—
- 87 In the heading of section 16 for “Surveillance Commissioners” substitute...
- 88 Omit section 18 (information to be provided to Surveillance Commissioners)....
- 89 In the cross-heading before section 21 (Chief Surveillance Commissioner) for...
- 90 Omit section 21 (functions of Chief Surveillance Commissioner).
- 91 (1) Section 22 (co-operation with, and reports by, Chief Surveillance...
- 92 In section 24(2) (issue and revision of codes of practice)...
- 93 In section 26(4) (effect of codes of practice)—
- 94 (1) Section 31(1) (interpretation) is amended as follows.

Terrorism Prevention and Investigation Measures Act 2011

- 95 In section 21(3)(b) of the Terrorism Prevention and Investigation Measures...

Protection of Freedoms Act 2012

- 96 The Protection of Freedoms Act 2012 is amended as follows....
- 97 (1) Section 29 (code of practice for surveillance camera systems)...
- 98 In section 33(8)(d) (duty to consult before making an order...

Part 7 — OTHER MINOR AND CONSEQUENTIAL PROVISION

Changes to legislation: *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 08 February 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. (See end of Document for details) View outstanding changes*

Telecommunications Act 1984

- 99 Omit section 94 of the Telecommunications Act 1984 (directions in...

Northern Ireland Act 1998

- 100 In paragraph 17 of Schedule 2 to the Northern Ireland...

Communications Act 2003

- 101 (1) The Communications Act 2003 is amended as follows.
Part 8 — REPEALS AND REVOCATIONS CONSEQUENTIAL ON OTHER
REPEALS OR AMENDMENTS IN THIS ACT

Changes to legislation:

Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 08 February 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 202(4) words substituted by [2018 c. 12 Sch. 19 para. 201](#)
- s. 202(4) words substituted by [2018 c. 12 Sch. 19 para. 201](#)
- s. 228 coming into force by [S.I. 2017/137 reg. 2\(c\)](#) (Effect not applied to legislation.gov.uk. Reg. 2(b)(c) omitted (10.2.2017) by virtue of S.I. 2017/143, reg. 2. S. 228 already in force by 2016 c. 25, s. 272(3))
- s. 228 coming into force by [S.I. 2017/137 reg. 2\(c\)](#) (Effect not applied to legislation.gov.uk. Reg. 2(b)(c) omitted (10.2.2017) by virtue of S.I. 2017/143, reg. 2. S. 228 already in force by 2016 c. 25, s. 272(3))
- Sch. 3 para. 11 repealed by [2018 c. 13 Sch. 3 para. 9](#)
- Sch. 3 para. 11 repealed by [2018 c. 13 Sch. 3 para. 9](#)
- Sch. 3 para. 12 words substituted by [2018 c. 13 Sch. 3 para. 10](#)
- Sch. 3 para. 12 words substituted by [2018 c. 13 Sch. 3 para. 10](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)