



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 9

#### MISCELLANEOUS AND GENERAL PROVISIONS

#### CHAPTER 1

##### MISCELLANEOUS

##### *Compliance with Act*

#### **249 Payments towards certain compliance costs**

- (1) The Secretary of State must ensure that arrangements are in force for securing that telecommunications operators and postal operators receive an appropriate contribution in respect of such of their relevant costs as the Secretary of State considers appropriate.
- (2) In subsection (1) “relevant costs” means costs incurred, or likely to be incurred, by telecommunications operators and postal operators in complying with this Act.
- (3) The arrangements may provide for payment of a contribution to be subject to terms and conditions determined by the Secretary of State.
- (4) Such terms and conditions may, in particular, include a condition on the operator concerned to comply with any audit that may reasonably be required to monitor the claim for costs.
- (5) The arrangements may provide for the Secretary of State to determine—
  - (a) the scope and extent of the arrangements, and
  - (b) the appropriate level of contribution which should be made in each case.
- (6) Different levels of contribution may apply for different cases or descriptions of case but the appropriate contribution must never be nil.

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*Changes to legislation:* Investigatory Powers Act 2016, Cross Heading: Compliance with Act is up to date with all changes known to be in force on or before 17 August 2023. 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

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- (7) A retention notice under Part 4 given to a telecommunications operator or a postal operator, or a national security notice under section 252 given to a telecommunications operator, must specify the level or levels of contribution which the Secretary of State has determined should be made in respect of the costs incurred, or likely to be incurred, by the operator as a result of the notice in complying with that Part or (as the case may be) with the national security notice.
- (8) For the purpose of complying with this section the Secretary of State may make, or arrange for the making of, payments out of money provided by Parliament.

#### Commencement Information

- I1** [S. 249](#) in force at 30.12.2016 for specified purposes by [S.I. 2016/1233](#), [reg. 2\(o\)](#)  
**I2** [S. 249](#) in force at 12.3.2018 for specified purposes by [S.I. 2018/341](#), [reg. 2\(e\)](#)  
**I3** [S. 249](#) in force at 27.6.2018 in so far as not already in force by [S.I. 2018/652](#), [reg. 12\(a\)](#)

## 250 Power to develop compliance systems etc.

- (1) The Secretary of State may—
- (a) develop, provide, maintain or improve, or
  - (b) enter into financial or other arrangements with any person for the development, provision, maintenance or improvement of,
- such apparatus, systems or other facilities or services as the Secretary of State considers appropriate for enabling or otherwise facilitating compliance by the Secretary of State, another public authority or any other person with this Act.
- (2) Arrangements falling within subsection (1)(b) may, in particular, include arrangements consisting of the giving of financial assistance by the Secretary of State.
- (3) Such financial assistance—
- (a) may, in particular, be given by way of—
    - (i) grant,
    - (ii) loan,
    - (iii) guarantee or indemnity,
    - (iv) investment, or
    - (v) incurring expenditure for the benefit of the person assisted, and
  - (b) may be given subject to terms and conditions determined by the Secretary of State.
- (4) Terms and conditions imposed by virtue of subsection (3)(b) may include terms and conditions as to repayment with or without interest.

#### Commencement Information

- I4** [S. 250](#) in force at 13.2.2017 by [S.I. 2017/137](#), [reg. 2\(q\)](#)

**Changes to legislation:**

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**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):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)