

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

SCHEDULES

SCHEDULE 10

Section 271(1)

MINOR AND CONSEQUENTIAL PROVISION

PART 1

GENERAL AMENDMENTS

Police Act 1997

- 1 In section 93(1A) of the Police Act 1997 (authorisations to interfere with property etc.) after “this Part” insert “ or the Investigatory Powers Act 2016 ”.

Commencement Information

- II** Sch. 10 para. 1 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

Northern Ireland Act 1998

- 2 In paragraph 9(1) of Schedule 3 to the Northern Ireland Act 1998 (reserved matters) for paragraph (a) substitute—
- “(a) the subject-matter of Parts 2 and 3 of the Regulation of Investigatory Powers Act 2000, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
 - (aa) the subject-matter of the following provisions of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of serious crime (within the meaning of that Act)—
 - (i) sections 3 to 10 and Schedule 1,
 - (ii) Part 2, and
 - (iii) Chapter 1 of Part 6;
 - (ab) the subject-matter of section 11, Parts 3 and 4 and Chapter 2 of Part 6 of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
 - (ac) the subject-matter of section 12 of, and Schedule 2 to, the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act);”.

Commencement Information

- I2** Sch. 10 para. 2 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Regulation of Investigatory Powers Act 2000

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

Commencement Information

I3 Sch. 10 para. 3 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

4 In section 27(4)(a) (lawful surveillance etc: conduct to be dealt with under other enactments) after “Act” insert “ or the Investigatory Powers Act 2016 ”.

Commencement Information

I4 Sch. 10 para. 4 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

5 (1) Section 71 (issue and revision of codes of practice) is amended as follows.

(2) In subsection (2)(a), for “Parts I to III” substitute “ Parts 2 and 3 ”.

(3) Omit subsection (2A).

(4) In subsection (8) for “(2A)” substitute “ (3) ”.

Commencement Information

I5 Sch. 10 para. 5 in force at 27.12.2018 by S.I. 2018/940, reg. 5(a)

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

(2) For the definition of “apparatus” substitute—

““apparatus” has the same meaning as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.

(3) In paragraph (a) of the definition of “communication” omit “(except in the definition of “postal service” in section 2(1))”.

(4) In the definition of “interception” and cognate expressions, for “section 2” substitute “ sections 4 and 5 of the Investigatory Powers Act 2016 ”.

(5) For the definitions of “postal service” and “public postal service” substitute—

““postal service” has the same meaning as in the Investigatory Powers Act 2016 (see section 262(7) of that Act);”.

(6) Omit the definitions of “private telecommunication system”, “public telecommunications service” and “public telecommunication system”.

(7) In the definitions of “telecommunication system” and “telecommunications service”, for “the meanings given by section 2(1)” substitute “ the same meanings as in the Investigatory Powers Act 2016 (see section 261(11) to (13) of that Act) ”.

Commencement Information

I6 Sch. 10 para. 6(1)(2) in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(i)

I7 Sch. 10 para. 6(3)(6)(7) in force at 27.12.2018 by S.I. 2018/940, reg. 5(b)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

- | | |
|-------------|---|
| I18 | Sch. 10 para. 6(4) in force at 27.6.2018 for specified purposes by S.I. 2018/652 , reg. 12(g)(ii)(aa) |
| I19 | Sch. 10 para. 6(4) in force at 22.7.2020 for specified purposes by S.I. 2020/766 , reg. 2(e)(i) |
| I110 | Sch. 10 para. 6(5) in force at 27.6.2018 for specified purposes by S.I. 2018/652 , reg. 12(g)(ii)(bb) |
| I111 | Sch. 10 para. 6(5) in force at 22.7.2020 for specified purposes by S.I. 2020/766 , reg. 2(e)(i) |

Political Parties, Elections and Referendums Act 2000

- 7 In paragraph 28(4) of Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (civil sanctions: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Commencement Information

- I12** [Sch. 10 para. 7](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

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

- 8 (1) The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.
- (2) In section 26B(3) (voluntary disclosure of data to Audit Scotland) for paragraph (b) substitute—
- “(b) which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”.
- (3) In section 26C(3) (power to require disclosure of data) for paragraph (b) substitute—
- “(b) the disclosure is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Commencement Information

- I13** [Sch. 10 para. 8](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

Social Security Fraud Act 2001

- 9 In section 4(1)(b) of the Social Security Fraud Act 2001 (arrangements for payments in relation to persons providing a telecommunications service etc.) for “the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ the Investigatory Powers Act 2016 ”.

Commencement Information

- I14** [Sch. 10 para. 9](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

Social Security Fraud Act (Northern Ireland) 2001

- 10 In section 4(1)(b) of the Social Security Fraud Act (Northern Ireland) 2001 (arrangements for payments in relation to persons providing a telecommunications

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

service etc.) for “the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ the Investigatory Powers Act 2016 ”.

Commencement Information

I15 Sch. 10 para. 10 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Justice (Northern Ireland) Act 2002

- 11 In section 5A(3)(b) of the Justice (Northern Ireland) Act 2002 (disclosure of information to the Northern Ireland Judicial Appointments Commission) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I16 Sch. 10 para. 11 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Proceeds of Crime Act 2002

- 12 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 436(3)(b) (disclosure of information to certain Directors) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (3) In section 438(8)(b) (disclosure of information by certain Directors) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (4) In section 439(3)(b) (disclosure of information to Lord Advocate and to Scottish Ministers) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (5) In section 441(7)(b) (disclosure of information by Lord Advocate and by Scottish Ministers) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I17 Sch. 10 para. 12 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Police Reform Act 2002

- 13 In paragraph 19ZA(2)(c) of Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc: power to serve information notice) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Commencement Information

I18 Sch. 10 para. 13 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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

- 14 After regulation 5A(8) of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (personal data breach) insert—

“(9) This regulation does not apply in relation to any personal data breach which is to be notified to the Investigatory Powers Commissioner in accordance with a code of practice made under the Investigatory Powers Act 2016.”

Commencement Information

I19 Sch. 10 para. 14 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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) Order 2003 (voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I20 Sch. 10 para. 15 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Public Audit (Wales) Act 2004

- 16 In section 64C(3)(b) of the Public Audit (Wales) Act 2004 (voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I21 Sch. 10 para. 16 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Constitutional Reform Act 2005

- 17 In section 107(3)(b) of the Constitutional Reform Act 2005 (disclosure of information to the Judicial Appointments Commission) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I22 Sch. 10 para. 17 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: *Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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*

Commissioners for Revenue and Customs Act 2005

- 18 In section 22(b) of the Commissioners for Revenue and Customs Act 2005 (data protection, etc) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I23 Sch. 10 para. 18 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Serious Crime Act 2007

- 19 (1) The Serious Crime Act 2007 is amended as follows.
- (2) In section 68(4)(b) (disclosure of information to prevent fraud) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (3) In section 85(8)(b) (disclosure of information by Revenue and Customs) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I24 Sch. 10 para. 19 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Legal Services Act 2007

- 20 In section 169(3)(b) of the Legal Services Act 2007 (disclosure of information to the Legal Services Board) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I25 Sch. 10 para. 20 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Regulatory Enforcement and Sanctions Act 2008

- 21 In section 70(4) of the Regulatory Enforcement and Sanctions Act 2008 (disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Commencement Information

I26 Sch. 10 para. 21 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Counter-Terrorism Act 2008

- 22 In section 20(2)(b) of the Counter-Terrorism Act 2008 (disclosure and the intelligence services: supplementary provisions) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

Commencement Information

I27 Sch. 10 para. 22 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Borders, Citizenship and Immigration Act 2009

- 23 In section 19(1)(b) of the Borders, Citizenship and Immigration Act 2009 (application of statutory provisions) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

Commencement Information

I28 Sch. 10 para. 23 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Marine and Coastal Access Act 2009

- 24 (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In paragraph 13(5) of Schedule 7 (further provision about civil sanctions under Part 4: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”
- (3) In paragraph 9(5) of Schedule 10 (further provision about fixed monetary penalties under section 142: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Commencement Information

I29 Sch. 10 para. 24 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Terrorist Asset-Freezing etc. Act 2010

^{F1}25

Textual Amendments

F1 Sch. 10 para. 25 repealed (31.12.2020) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 64(2), Sch. 3 para. 9 (with ss. 52(3), 53, 58); S.I. 2020/1535, reg. 3(e)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Marine (Scotland) Act 2010 (2010 asp 5)

- 26 In paragraph 12(5) of Schedule 2 to the Marine (Scotland) Act 2010 (further provision about civil sanctions under Part 4: disclosure of information) for paragraph (b) substitute—
 “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Commencement Information

I30 Sch. 10 para. 26 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Charities Act 2011

- 27 In section 59(b) of the Charities Act 2011 (disclosure: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I31 Sch. 10 para. 27 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Prisons (Interference with Wireless Telegraphy) Act 2012

- 28 In section 4(6) of the Prisons (Interference with Wireless Telegraphy) Act 2012 (meaning of “telecommunication system”) for “Regulation of Investigatory Powers Act 2000” substitute “ Investigatory Powers Act 2016 (see section 261(13) of that Act) ”.

Commencement Information

I32 Sch. 10 para. 28 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Crime and Courts Act 2013

- 29 In paragraph 1(b) of Schedule 7 to the Crime and Courts Act 2013 (information: restrictions on disclosure) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I33 Sch. 10 para. 29 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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

- 30 In paragraph 8(5) of Schedule 2 to the Marine Act (Northern Ireland) 2013 (further provision about fixed monetary penalties under section 35: disclosure of information) for paragraph (b) substitute—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

“(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Commencement Information

I34 Sch. 10 para. 30 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Local Audit and Accountability Act 2014

- 31 In paragraph 3(3)(b) of Schedule 9 to the Local Audit and Accountability Act 2014 (data matching: voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

Commencement Information

I35 Sch. 10 para. 31 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Anti-social Behaviour, Crime and Policing Act 2014

- 32 In paragraph 7(4)(b) of Schedule 4 to the Anti-social Behaviour, Crime and Policing Act 2014 (ASB case reviews: information) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

Commencement Information

I36 Sch. 10 para. 32 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Immigration Act 2014

- 33 In paragraph 6(b) of Schedule 6 to the Immigration Act 2014 (information) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

Commencement Information

I37 Sch. 10 para. 33 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Data Retention and Investigatory Powers Act 2014

- 34 Omit sections 4(1), 7 and 8 of the Data Retention and Investigatory Powers Act 2014 (introductory, review and final provisions).

Commencement Information

I38 Sch. 10 para. 34 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Immigration Act 2016

- 35 In section 7(2)(b) of the Immigration Act 2016 (information gateways: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

Commencement Information

I39 Sch. 10 para. 35 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

Security Service Act 1989

- 36 In section 1(5) of the Security Service Act 1989 (meaning of “prevention” and “detection”) for the words from “the provisions” to the end substitute “ that Act ”.

Commencement Information

I40 Sch. 10 para. 36 in force at 27.12.2018 by S.I. 2018/940, reg. 5(c)

Official Secrets Act 1989

- 37 In section 4(3) of the Official Secrets Act 1989 (crime and special investigation powers) omit the “and” after paragraph (a) and after paragraph (b) insert “and
- (c) any information obtained under a warrant under Chapter 1 of Part 2 or Chapter 1 of Part 6 of the Investigatory Powers Act 2016, any information relating to the obtaining of information under such a warrant and any document or other article which is or has been used or held for use in, or has been obtained by reason of, the obtaining of information under such a warrant.”

Commencement Information

I41 Sch. 10 para. 37 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Intelligence Services Act 1994

- 38 In section 11(1A) of the Intelligence Services Act 1994 (meaning of “prevention” and “detection”) for the words from “apply” to the end substitute “ apply for the purposes of this Act as it applies for the purposes of that Act, except that for the purposes of section 3 above it shall not include a reference to gathering evidence for use in any legal proceedings (within the meaning of that Act). ”

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Commencement Information

I42 Sch. 10 para. 38 in force at 27.12.2018 by S.I. 2018/940, reg. 5(d)

Criminal Procedure and Investigations Act 1996

- 39 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.
- (2) In section 3(7) (initial duty of prosecutor to disclose) for “section 17 of the Regulation of Investigatory Powers Act 2000” substitute “ section 56 of the Investigatory Powers Act 2016 ”.
- (3) In section 7A(9) (continuing duty of prosecutor to disclose) for “section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ section 56 of the Investigatory Powers Act 2016 ”.
- (4) In section 8(6) (application by accused for disclosure) for “section 17 of the Regulation of Investigatory Powers Act 2000” substitute “ section 56 of the Investigatory Powers Act 2016 ”.
- (5) In section 23 (code of practice) for subsection (6) substitute—
- “(6) The code must be so framed that it does not apply to any of the following—
- (a) material intercepted in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985;
 - (b) material intercepted under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000;
 - (c) material obtained under the authority of a warrant issued under Chapter 1 of Part 2 of the Investigatory Powers Act 2016;
 - (d) material obtained under the authority of a warrant issued under Chapter 1 of Part 6 of that Act.”

Commencement Information

I43 Sch. 10 para. 39 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Police Act 1997

- 40 In section 133A of the Police Act 1997 (meaning of “prevention” and “detection”) for the words from “the provisions” to the end substitute “ that Act ”.

Commencement Information

I44 Sch. 10 para. 40 in force at 27.12.2018 by S.I. 2018/940, reg. 5(e)

Scotland Act 1998

- 41 In Section B8 of Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: national security, interception of communications etc.), in the definition of “private telecommunication system”, for “section 2(1) of the Regulation of Investigatory

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Powers Act 2000” substitute “ section 261(14) of the Investigatory Powers Act 2016 ”.

Commencement Information

I45 Sch. 10 para. 41 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Northern Ireland Act 1998

42 In paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters) for paragraph (b) substitute—

“(b) the subject-matter of sections 3 to 10, Schedule 1, Part 2 and Chapter 1 of Part 6 of the Investigatory Powers Act 2016, except so far as relating to the prevention or detection of serious crime (within the meaning of that Act);”.

Commencement Information

I46 Sch. 10 para. 42 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Financial Services and Markets Act 2000

43 In section 394(7)(a) of the Financial Services and Markets Act 2000 (access to FCA or PRA material) for “section 17 of the Regulation of Investigatory Powers Act 2000” substitute “ section 56 of the Investigatory Powers Act 2016 ”.

Commencement Information

I47 Sch. 10 para. 43 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Regulation of Investigatory Powers Act 2000

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

Commencement Information

I48 Sch. 10 para. 44 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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

Commencement Information

I49 Sch. 10 para. 45 in force at 12.3.2018 for specified purposes by S.I. 2018/341, reg. 2(n) (with reg. 3)

I50 Sch. 10 para. 45 in force at 27.6.2018 for specified purposes by S.I. 2018/652, reg. 13 (with regs. 15(4), 16, 19(1))

I51 Sch. 10 para. 45 in force at 8.8.2018 for specified purposes by S.I. 2018/652, reg. 14(c) (with regs. 15(4), 16, 19(6))

I52 Sch. 10 para. 45 in force at 26.9.2018 for specified purposes by S.I. 2018/940, reg. 3(h)

I53 Sch. 10 para. 45 in force at 7.11.2018 for specified purposes by S.I. 2018/940, reg. 4(a)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

I54 Sch. 10 para. 45 in force at 27.12.2018 in so far as not already in force by S.I. 2018/940, reg. 5(f)

46 (1) Section 49 (investigation of electronic data protected by encryption etc: powers under which data obtained) is amended as follows.

(2) In subsection (1)(b) after “communications” insert “ or obtain secondary data from communications ”.

(3) After subsection (9) insert—

“(9A) In subsection (1)(b) the reference to obtaining secondary data from communications is to be read in accordance with section 16 of the Investigatory Powers Act 2016.”

Commencement Information

I55 Sch. 10 para. 46 in force at 30.8.2018 by S.I. 2018/940, reg. 2(1)(h)(i) (with reg. 2(2))

47 In section 71 (issue and revision of codes of practice) omit subsection (10).

Commencement Information

I56 Sch. 10 para. 47 in force at 27.12.2018 by S.I. 2018/940, reg. 5(g)

48 In section 78(3)(a) (affirmative orders) omit “12(10), 13(3),”.

Commencement Information

I57 Sch. 10 para. 48 in force at 12.3.2018 by S.I. 2018/341, reg. 2(o)

49 (1) Section 81 (general interpretation) is amended as follows.

(2) In subsection (1)—

(a) in the definition of “criminal”, omit “or prosecution”, and

(b) in the definition of “interception warrant”, for “a warrant under section 5” substitute “—

(a) a targeted interception warrant or mutual assistance warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or

(b) a bulk interception warrant under Chapter 1 of Part 6 of that Act”.

(3) In subsection (4) omit the words from “; and references” to the end.

(4) In subsection (5) omit the words from “, except that” to the end.

Commencement Information

I58 Sch. 10 para. 49 in force at 27.12.2018 by S.I. 2018/940, reg. 5(h)

50 In section 82 (amendments, repeals and savings etc.) omit subsections (4) to (6).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Commencement Information

I59 Sch. 10 para. 50 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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

- 51 In section 159 of the Criminal Justice and Licensing (Scotland) Act 2010, for “section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “section 56 of the Investigatory Powers Act 2016”.

Commencement Information

I60 Sch. 10 para. 51 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

Justice and Security Act 2013

- 52 In section 6(4)(b) of the Justice and Security Act 2013 (declaration permitting closed material applications in proceedings) for sub-paragraph (iii) substitute—
“(iii) section 56(1) of the Investigatory Powers Act 2016 (exclusion for intercept material).”.

Commencement Information

I61 Sch. 10 para. 52 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

PART 3

ACQUISITION OF COMMUNICATIONS DATA

Regulation of Investigatory Powers Act 2000

- 53 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information

I62 Sch. 10 para. 53 in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(ii)

- 54 Omit Chapter 2 of Part 1 (acquisition and disclosure of communications data).

Commencement Information

I63 Sch. 10 para. 54 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(ii)

- 55 In section 49(1)(c) (investigation of electronic data protected by encryption etc: powers under which data obtained)—
(a) for the words from “section 22(3)” to “Part II” substitute “Part 3 of the Investigatory Powers Act 2016 or Part 2 of this Act”, and

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

- (b) for “under section 22(4)” substitute “in pursuance of an authorisation under Part 3 of the Act of 2016 or as the result of the issue of a warrant under Chapter 2 of Part 6 of the Act of 2016”.

Commencement Information

I64 Sch. 10 para. 55 in force at 5.2.2019 for specified purposes by S.I. 2019/174, reg. 2(p)(iii)

- 56 In section 71(2) (issue and revision of codes of practice) omit “23A or”.

Commencement Information

I65 Sch. 10 para. 56 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(iii)

PROSPECTIVE

F257

Textual Amendments

F2 Sch. 10 para. 57 omitted (5.2.2019) by virtue of [The Data Retention and Acquisition Regulations 2018](#) (S.I. 2018/1123), reg. 1(4)(d)(5), [Sch. 1 para. 28](#) (see S.I. 2019/174, reg. 2(c))

PROSPECTIVE

F358

Textual Amendments

F3 Sch. 10 para. 58 omitted (5.2.2019) by virtue of [The Data Retention and Acquisition Regulations 2018](#) (S.I. 2018/1123), reg. 1(4)(d)(5), [Sch. 1 para. 28](#) (see S.I. 2019/174, reg. 2(c))

- 59 In section 78(3)(a) (affirmative orders) omit “22(9), 23A(6), 25(5),”.

Commencement Information

I66 Sch. 10 para. 59 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(iii)

- 60 In section 81(9) (general interpretation: certain references relating to Northern Ireland) omit “23A(7)(b),”.

Commencement Information

I67 Sch. 10 para. 60 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(iii)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Police Reform Act 2002

- 61 (1) Paragraph 19ZA of Schedule 3 to the Police Reform Act 2002 (investigations by the IPCC: information notices) is amended as follows.
- (2) In sub-paragraph (3) omit—
- the words from “(within the meaning of Chapter 2” to “2000)”, and
 - the words “(within the meaning of that Chapter)”.
- (3) After sub-paragraph (3) insert—
- “(3A) In sub-paragraph (3) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

Commencement Information

I68 Sch. 10 para. 61 in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(iv)

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 2001 (retention of communications data).

Commencement Information

I69 Sch. 10 para. 62 in force at 1.11.2018 by S.I. 2018/873, reg. 4(e)

Data Retention and Investigatory Powers Act 2014

- 63 Omit sections 1 and 2 of the Data Retention and Investigatory Powers Act 2014 (retention of relevant communications data).

Commencement Information

I70 Sch. 10 para. 63 in force at 30.12.2016 by S.I. 2016/1233, reg. 2(q)

PART 5

EQUIPMENT INTERFERENCE

Regulation of Investigatory Powers Act 2000

- 64 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Commencement Information

I71 Sch. 10 para. 64 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

- 65 In section 48 (interpretation of Part 2), in subsection (3)(c)—
- (a) omit the “or” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (ii) insert “; or
 - (iii) Part 5, or Chapter 3 of Part 6, of the Investigatory Powers Act 2016 (equipment interference).”

Commencement Information

I72 Sch. 10 para. 65 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

- 66 (1) Paragraph 2 of Schedule 2 (persons having the appropriate permission where data obtained under warrant etc) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) omit the “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert “; or
 - (c) a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016 (powers of law enforcement chiefs to issue warrants to law enforcement officers).”
- (3) In sub-paragraph (5), at the end insert “ or under a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016. ”
- (4) In sub-paragraph (6)—
- (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (c) insert “; and
 - (d) in relation to protected information obtained under a warrant issued under section 106 of the Investigatory Powers Act 2016, means the person who issued the warrant or, if that person was an appropriate delegate in relation to a law enforcement chief, either that person or the law enforcement chief.”
- (5) After sub-paragraph (6) insert—
- “(6A) In sub-paragraph (6)(d), the references to a law enforcement chief and to an appropriate delegate in relation to a law enforcement chief are to be read in accordance with section 106(5) of the Investigatory Powers Act 2016.”

Commencement Information

I73 Sch. 10 para. 66 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(l)(i)

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

- 67 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Commencement Information

I74 Sch. 10 para. 67 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

- 68 In section 5(3) (lawful surveillance etc.), after paragraph (a) (and before the “or” at the end of the paragraph), insert—
- “(aa) an enactment contained in Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service;”.

Commencement Information

I75 Sch. 10 para. 68 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(1)(ii)

- 69 In section 24(2) (issue and revision of codes of practice), after paragraph (a) (and before the “and” at the end of the paragraph), insert—
- “(aa) Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service or the Police Investigations and Review Commissioner;”.

Commencement Information

I76 Sch. 10 para. 69 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

Crime and Courts Act 2013

- 70 (1) In Schedule 1 to the Crime and Courts Act 2013 (the NCA and NCA officers), paragraph 6A (investigatory activity in Northern Ireland) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) in the opening words, omit “an authorisation granted under any of the following provisions”;
- (b) before paragraph (a) insert—
- “(za) a targeted equipment interference warrant under Part 5 of the Investigatory Powers Act 2016;”;
- (c) in paragraph (a), for “in the” substitute “an authorisation granted under any of the following provisions of the”;
- (d) in paragraph (b), at the beginning insert “an authorisation granted under”.
- (3) After sub-paragraph (3) insert—
- “(4) For the purpose of sub-paragraph (1), a relevant investigatory activity falling within sub-paragraph (3)(za) is to be regarded as carried out in Northern Ireland if (and to the extent that)—
- (a) the equipment that is being interfered with under the warrant is in Northern Ireland, and
- (b) at the time of the carrying out of the activity, the NCA officer knows that the equipment is in Northern Ireland.
- (5) Sub-paragraph (6) applies where—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

- (a) in the carrying out by an NCA officer of a relevant investigatory activity falling within sub-paragraph (3)(za), equipment in Northern Ireland is interfered with under the warrant,
 - (b) at the time the interference begins, the NCA officer does not know that the equipment is in Northern Ireland, and
 - (c) at any time while the interference is continuing, the NCA officer becomes aware that the equipment is in Northern Ireland.
- (6) The NCA officer is not to be regarded as in breach of sub-paragraph (1) if the interference continues after the NCA officer becomes aware that the equipment is in Northern Ireland, provided that the officer informs the Chief Constable of the Police Service of Northern Ireland about the interference as soon as reasonably practicable.”

Commencement Information

I77 Sch. 10 para. 70 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(l)(iii)

PART 6

JUDICIAL COMMISSIONERS

Police Act 1997

71 The Police Act 1997 is amended as follows.

Commencement Information

I78 Sch. 10 para. 71 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

72 In section 103(8) (appeals) for “the period” substitute “ any period ”.

Commencement Information

I79 Sch. 10 para. 72 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

73 In section 105(1)(b)(iii) (reports of appeals dismissed) omit “under section 107(2),”.

Commencement Information

I80 Sch. 10 para. 73 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

74 In section 108(1) (interpretation of Part 3) after the definition of “designated deputy” insert—

““the Investigatory Powers Commissioner” and “Judicial Commissioner” have the same meanings as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Commencement Information

I81 Sch. 10 para. 74 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

Regulation of Investigatory Powers Act 2000

75 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information

I82 Sch. 10 para. 75 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

76 In section 37(9)(a) (appeals against decisions of ordinary Surveillance Commissioners) for “the period” substitute “ any period ”.

Commencement Information

I83 Sch. 10 para. 76 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

77 In section 39(3) (appeals: reports of Chief Surveillance Commissioner)—
 (a) for “Subsections (3) and (4) of section 107 of the Police Act 1997” substitute “ Subsections (6) to (8) of section 234 of the Investigatory Powers Act 2016 ”, and
 (b) for “subsection (2) of that section” substitute “ subsection (1) of that section ”.

Commencement Information

I84 Sch. 10 para. 77 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

78 Omit section 40 (information to be provided to Surveillance Commissioners).

Commencement Information

I85 Sch. 10 para. 78 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j) (with reg. 7)

79 In section 51(7)(b) (notification to Intelligence Services Commissioner or Chief Surveillance Commissioner of certain directions relating to the disclosure of a key to protected information) for “the Commissioner in question” substitute “ the Investigatory Powers Commissioner ”.

Commencement Information

I86 Sch. 10 para. 79 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

80 (1) Section 64 (delegation of Commissioners' functions) is amended as follows.
 (2) In the heading for “Commissioners' functions” substitute “ functions of the Investigatory Powers Commissioner for Northern Ireland ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

(3) In subsection (1)—

- (a) omit “or any provision of an Act of the Scottish Parliament”, and
- (b) for “a relevant Commissioner” substitute “ the Investigatory Powers Commissioner for Northern Ireland ”.

(4) Omit subsection (2).

Commencement Information

I87 Sch. 10 para. 80 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

81 In section 71(2) (issue and revision of codes of practice) for “the Surveillance Commissioners” substitute “ a Judicial Commissioner ”.

Commencement Information

I88 Sch. 10 para. 81 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

82 (1) Section 72 (effect of codes of practice) is amended as follows.

(2) In subsection (4) for paragraphs (c) to (e) (and the word “or” between paragraphs (d) and (e)) substitute—

- “(ba) the Investigatory Powers Commissioner for Northern Ireland carrying out functions under this Act, or
- (bb) the Investigatory Powers Commissioner or any other Judicial Commissioner carrying out functions under this Act, the Investigatory Powers Act 2016 or the Police Act 1997,”.

(3) Omit subsection (5).

Commencement Information

I89 Sch. 10 para. 82 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

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

(2) Omit the definitions of “Assistant Surveillance Commissioner”, “ordinary Surveillance Commissioner”, “Surveillance Commissioner” and “Chief Surveillance Commissioner”.

(3) After the definition of “interception warrant” insert—

““the Investigatory Powers Commissioner” and “Judicial Commissioner” have the same meanings as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.

Commencement Information

I90 Sch. 10 para. 83 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

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

84 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.

Commencement Information

I91 Sch. 10 para. 84 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

85 In the cross-heading before section 2 (Surveillance Commissioners) for “Surveillance” substitute “Judicial”.

Commencement Information

I92 Sch. 10 para. 85 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

86 In section 2(10) (restrictions on appeals against Commissioners)—
 (a) for “Chief Surveillance Commissioner” substitute “Investigatory Powers Commissioner”, and
 (b) for “other Surveillance Commissioner” substitute “other Judicial Commissioner”.

Commencement Information

I93 Sch. 10 para. 86 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

87 In the heading of section 16 for “Surveillance Commissioners” substitute “Judicial Commissioners”.

Commencement Information

I94 Sch. 10 para. 87 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

88 Omit section 18 (information to be provided to Surveillance Commissioners).

Commencement Information

I95 Sch. 10 para. 88 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j) (with reg. 9)

89 In the cross-heading before section 21 (Chief Surveillance Commissioner) for “Chief Surveillance” substitute “Investigatory Powers”.

Commencement Information

I96 Sch. 10 para. 89 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

90 Omit section 21 (functions of Chief Surveillance Commissioner).

Commencement Information

I97 Sch. 10 para. 90 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j) (with reg. 6)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

- 91 (1) Section 22 (co-operation with, and reports by, Chief Surveillance Commissioner) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2) for “Chief Surveillance Commissioner” substitute “ Investigatory Powers Commissioner ”.
- (4) In subsection (3)—
- (a) for “Chief Surveillance Commissioner” substitute “ Investigatory Powers Commissioner ”, and
- (b) after “under” insert “ , and in relation to, ”.

Commencement Information

I98 Sch. 10 para. 91 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

- 92 In section 24(2) (issue and revision of codes of practice) for “the Surveillance Commissioners appointed under this Act or the Commissioners holding office under section 91 of that Act” substitute “ the Judicial Commissioners ”.

Commencement Information

I99 Sch. 10 para. 92 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

- 93 In section 26(4) (effect of codes of practice)—
- (a) in paragraph (b) for “Chief Surveillance Commissioner” substitute “ Investigatory Powers Commissioner ”, and
- (b) in paragraph (c) for “a Surveillance Commissioner” substitute “ a Judicial Commissioner (other than the Investigatory Powers Commissioner) ”.

Commencement Information

I100 Sch. 10 para. 93 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

- 94 (1) Section 31(1) (interpretation) is amended as follows.
- (2) After the definitions of “directed” and “intrusive” insert—
- ““the Investigatory Powers Commissioner” and “Judicial Commissioner” have the same meanings as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.
- (3) Omit the definitions of “ordinary Surveillance Commissioner”, “Surveillance Commissioner” and “Chief Surveillance Commissioner”.

Commencement Information

I101 Sch. 10 para. 94 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Terrorism Prevention and Investigation Measures Act 2011

- 95 In section 21(3)(b) of the Terrorism Prevention and Investigation Measures Act 2011 (duty to consult certain persons before making an order for the continuation, repeal etc. of TPIM powers) for “the Intelligence Services Commissioner” substitute “ the Investigatory Powers Commissioner ”.

Commencement Information

I102 Sch. 10 para. 95 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

Protection of Freedoms Act 2012

- 96 The Protection of Freedoms Act 2012 is amended as follows.

Commencement Information

I103 Sch. 10 para. 96 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

- 97 (1) Section 29 (code of practice for surveillance camera systems) is amended as follows.
- (2) In subsection (5)(d) (duty to consult certain persons in preparing code) for “the Chief Surveillance Commissioner” substitute “ the Investigatory Powers Commissioner ”.
- (3) In subsection (7) omit the definition of “the Chief Surveillance Commissioner”.

Commencement Information

I104 Sch. 10 para. 97 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

- 98 In section 33(8)(d) (duty to consult before making an order identifying who must have regard to the code) for “the Chief Surveillance Commissioner” substitute “ the Investigatory Powers Commissioner ”.

Commencement Information

I105 Sch. 10 para. 98 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

PART 7

OTHER MINOR AND CONSEQUENTIAL PROVISION

Telecommunications Act 1984

- 99 Omit section 94 of the Telecommunications Act 1984 (directions in the interests of national security etc.).

Commencement Information

I106 Sch. 10 para. 99 in force at 12.3.2018 for specified purposes by S.I. 2018/341, reg. 2(p) (with reg. 4)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

I107 Sch. 10 para. 99 in force at 22.8.2018 in so far as not already in force by S.I. 2018/873, reg. 3(k) (with regs. 5, 7)

Northern Ireland Act 1998

100 In paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters) after “subversion;” insert “ the Technical Advisory Board provided for by section 245 of the Investigatory Powers Act 2016; ”.

Commencement Information

I108 Sch. 10 para. 100 in force at 12.3.2018 by S.I. 2018/341, reg. 2(q)

Communications Act 2003

101 (1) The Communications Act 2003 is amended as follows.
(2) In section 401(5)(g), for “sections 47 to 49” substitute “ section 47 or 48 ”.
(3) In Schedule 18 (transitional provisions), omit paragraph 24 (which relates to section 94 of the Telecommunications Act 1984).

Commencement Information

I109 Sch. 10 para. 101(1)(2) in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

I110 Sch. 10 para. 101(3) in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(v)

PART 8

REPEALS AND REVOCATIONS CONSEQUENTIAL ON OTHER REPEALS OR AMENDMENTS IN THIS ACT

Commencement Information

I111 Sch. 10 Pt. 8 in force at 30.12.2016 for specified purposes by S.I. 2016/1233, reg. 2(r)

I112 Sch. 10 Pt. 8 in force at 22.8.2018 for specified purposes by S.I. 2018/873, reg. 3(l) (with reg. 5)

I113 Sch. 10 Pt. 8 in force at 30.8.2018 for specified purposes by S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

I114 Sch. 10 Pt. 8 in force at 7.11.2018 for specified purposes by S.I. 2018/940, reg. 4(b)

I115 Sch. 10 Pt. 8 in force at 27.12.2018 for specified purposes by S.I. 2018/940, reg. 5(i)

I116 Sch. 10 Pt. 8 in force at 22.7.2020 for specified purposes by S.I. 2020/766, reg. 2(e)(iv)

GENERAL AMENDMENTS

<i>Title</i>	<i>Extent of repeal or revocation</i>
Serious Crime Act 2015	Section 83. Section 86(12). In Schedule 4, paragraph 18.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

LAWFUL INTERCEPTION OF COMMUNICATIONS

<i>Title</i>	<i>Extent of repeal or revocation</i>
Regulation of Investigatory Powers Act 2000	In Schedule 4, paragraphs 7(2) and 9.
Anti-terrorism, Crime and Security Act 2001	Section 116(3).
Inquiries Act 2005	In Schedule 2, paragraphs 20 and 21.
Terrorism Act 2006	Section 32.
Wireless Telegraphy Act 2006	In Schedule 7, paragraphs 22 and 23.
National Health Service (Consequential Provisions) Act 2006	In Schedule 1, paragraph 208.
Armed Forces Act 2006	In Schedule 16, paragraph 169.
Serious Crime Act 2007	In Schedule 12, paragraph 6.
Counter-Terrorism Act 2008	Sections 69 and 74.
Policing and Crime Act 2009	Section 100.
Terrorist Asset-Freezing etc. Act 2010	Section 28(2) and (3).
Terrorism Prevention and Investigation Measures Act 2011	In Schedule 7, paragraph 4.
Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011 (S.I. 2011/1340)	The whole Regulations.
Health and Social Care Act 2012	In Schedule 5, paragraph 98.
Justice and Security Act 2013	Section 16. In Schedule 2, paragraph 11.
Crime and Courts Act 2013	In Schedule 8, paragraph 78. In Schedule 9, paragraph 125.
Data Retention and Investigatory Powers Act 2014	Section 3(1) and (2). Section 4(2) to (7). Section 5.
Counter-Terrorism and Security Act 2015	Section 15(3). In Schedule 8, paragraph 2.

ACQUISITION AND RETENTION OF COMMUNICATIONS DATA

<i>Title</i>	<i>Extent of repeal or revocation</i>
Serious Organised Crime and Police Act 2005	In Schedule 4, paragraph 135.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Serious Crime Act 2007	In Schedule 12, paragraphs 7 and 8.
Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098)	In the Schedule, paragraph 4(5).
Policing and Crime Act 2009	Section 7. In Schedule 7, paragraphs 13 and 14.
Protection of Freedoms Act 2012	Section 37. In Schedule 9, paragraphs 7 and 8 and, in paragraph 16(b), sub-paragraph (i) (and the word “and” at the end of sub-paragraph (i)).
Crime and Courts Act 2013	In Schedule 8, paragraph 81.
Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 2, paragraph 33(5) to (8) and (15)(a).
Data Retention and Investigatory Powers Act 2014	Section 3(3) and (4). Section 4(8) to (10).
Counter-Terrorism and Security Act 2015	Section 21. Section 52(3)(a).

JUDICIAL COMMISSIONERS

Title	Extent of repeal or revocation
Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747)	In Schedule 6, paragraph 2(2) and (5).
Regulation of Investigatory Powers Act 2000	In Schedule 4, paragraph 8(1), (10) and (11).
Insolvency Act 2000	In Schedule 4, paragraph 22(2).
Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253)	In Schedule 3, paragraphs 9 to 12.
Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004 (S.I. 2004/1941)	In the Schedule, paragraph 10.
Constitutional Reform Act 2005	In Schedule 17, paragraphs 27 and 30(2)(a) and (b).
Tribunals, Courts and Enforcement Act 2007	In Schedule 16, paragraph 11(2).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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

Serious Crime Act 2007	In Schedule 12, paragraph 3.
Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941)	In Schedule 1, paragraph 169.
Police Reform and Social Responsibility Act 2011	In Schedule 16, paragraph 222.
Protection of Freedoms Act 2012	In Schedule 9, paragraphs 10 and 11.
Justice and Security Act 2013	Section 5. In Schedule 2, paragraph 4.
Crime and Courts Act 2013	In Schedule 8, paragraph 59. In Schedule 21, paragraph 4.
Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 1, paragraph 6(6). In Schedule 2, paragraph 33(20) and (22)(c).
Anti-social Behaviour, Crime and Policing Act 2014	Section 150.
Data Retention and Investigatory Powers Act 2014	Section 6.

OTHER MINOR AND CONSEQUENTIAL PROVISION

<i>Title</i>	<i>Extent of repeal or revocation</i>
Communications Act 2003	In Schedule 17, paragraph 70.

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

Investigatory Powers Act 2016, SCHEDULE 10 is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

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\(3\)\(a\)](#)