

Changes to legislation: Investigatory Powers Act 2016, Cross Heading: Regulation of Investigatory Powers Act 2000 is up to date with all changes known to be in force on or before 14 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

MINOR AND CONSEQUENTIAL PROVISION

PART 6

JUDICIAL COMMISSIONERS

Regulation of Investigatory Powers Act 2000

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

Commencement Information

I1 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

I2 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

I3 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

I4 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

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key to protected information) for “the Commissioner in question” substitute “ the Investigatory Powers Commissioner ”.

Commencement Information

I5 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 ”.
- (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

I6 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

I7 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

I8 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—

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““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

19 [Sch. 10 para. 83](#) in force at 1.9.2017 by [S.I. 2017/859](#), [reg. 2\(j\)](#)

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