

Changes to legislation: Investigatory Powers Act 2016, Part 6 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

Police Act 1997

71 The Police Act 1997 is amended as follows.

Commencement Information

I1 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

I2 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

I3 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);”.

Commencement Information

I4 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.

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Commencement Information

I5 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

I6 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

I7 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

I8 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

I9 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).

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Commencement Information

I10 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

I11 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

I12 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

I13 Sch. 10 para. 83 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

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

I14 Sch. 10 para. 84 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

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

Commencement Information

I15 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

I16 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

I17 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

I18 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

I19 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

I20 Sch. 10 para. 90 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j) (with reg. 6)

- 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 ”.

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(4) In subsection (3)—

- (a) for “Chief Surveillance Commissioner” substitute “ Investigatory Powers Commissioner ”, and
- (b) after “under” insert “ , and in relation to, ”.

Commencement Information

I21 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

I22 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

I23 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

I24 Sch. 10 para. 94 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

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 ”.

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Commencement Information

I25 [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

I26 [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

I27 [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

I28 [Sch. 10 para. 98](#) 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\(3\)\(a\)](#)