



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 5

EQUIPMENT INTERFERENCE

Implementation of warrants

128 Duty of telecommunications operators to assist with implementation

- (1) A telecommunications operator that has been served with a copy of a targeted equipment interference warrant issued by the Secretary of State under section 102 or 104, or by the Scottish Ministers under section 103, must take all steps for giving effect to the warrant which are notified to the telecommunications operator by or on behalf of the person to whom the warrant is addressed.
- (2) A telecommunications operator that has been served with a copy of a targeted equipment interference warrant issued under section 106 and addressed to a law enforcement officer mentioned in subsection (3) must take all steps for giving effect to the warrant which—
 - (a) were approved by the Secretary of State or, in the case of a warrant addressed to a constable of the Police Service of Scotland, by the Scottish Ministers, before the warrant was served, and
 - (b) are notified to the telecommunications operator by or on behalf of the law enforcement officer.
- (3) The law enforcement officers mentioned in this subsection are—
 - (a) a National Crime Agency officer;
 - (b) an officer of Revenue and Customs;
 - (c) a constable of the Police Service of Scotland;
 - (d) a member of the Police Service of Northern Ireland;
 - (e) a member of the metropolitan police force.

Changes to legislation: Investigatory Powers Act 2016, Section 128 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](#)

- (4) The Secretary of State or the Scottish Ministers may give approval for the purposes of subsection (2)(a) if the Secretary of State or (as the case may be) the Scottish Ministers consider that—
- (a) it is necessary for the telecommunications operator to be required to take the steps, and
 - (b) the steps are proportionate to what is sought to be achieved by them.
- (5) A telecommunications operator is not required to take any steps which it is not reasonably practicable for the telecommunications operator to take.
- (6) Where obligations have been imposed on a telecommunications operator (“P”) under section 253 (technical capability notices), for the purposes of subsection (5) the steps which it is reasonably practicable for P to take include every step which it would have been reasonably practicable for P to take if P had complied with all of those obligations.
- (7) The duty imposed by subsection (1) or (2) is enforceable against a person in the United Kingdom by civil proceedings by the Secretary of State for an injunction, or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or for any other appropriate relief.

Commencement Information

- I1** S. 128(1)(5)–(7) in force at 27.6.2018 by [S.I. 2018/652](#), **reg. 9(p)**
- I2** [S. 128\(2\)–\(4\)](#) in force at 5.12.2018 by [S.I. 2018/1246](#), **reg. 3(f)**

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