



# Investigatory Powers (Amendment) Act 2024

## 2024 CHAPTER 9

### PART 3

#### COMMUNICATIONS DATA ETC

##### *Communications data*

PROSPECTIVE

#### **14 Powers to obtain communications data**

- (1) Section 12 of the Investigatory Powers Act 2016 (abolition or restriction of certain powers to obtain communications data) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2)(b) omit “and is not a regulatory power or a relevant postal power”.
- (3) In subsection (2A), at the end insert “and subsection (2B)”.
- (4) After subsection (2A) insert—
  - “(2B) Subsection (2) does not apply to the exercise by a specified public authority, otherwise than in the course of a criminal investigation, of a general information power which is a regulatory or supervisory power.
  - (2C) For the purposes of subsection (2B), “criminal investigation” means an investigation of any criminal conduct, including—
    - (a) an investigation of alleged or suspected criminal conduct, and
    - (b) an investigation of whether criminal conduct has taken place.
  - (2D) For the purposes of subsection (2B), the exercise of a general information power which is a regulatory or supervisory power is treated as not being in the

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 14. (See end of Document for details)*

course of a criminal investigation if at the time of the exercise of the power the investigation is not being conducted with a view to seeking a criminal prosecution.”

(5) Omit subsection (3).

(6) After subsection (5) insert—

“(5A) In this section “specified public authority” means a public authority which is—

- (a) listed in Schedule 2A, or
- (b) listed in column 1 of the table in Schedule 4.

(5B) The Secretary of State or the Treasury may by regulations modify Schedule 2A by—

- (a) adding a public authority to, or
- (b) removing a public authority from, the list in that Schedule.”

(7) In subsection (6)—

- (a) at the appropriate place insert—
  - ““criminal conduct” means conduct which constitutes an offence under the law of any part of the United Kingdom,”;
- (b) for the definition of “regulatory power” substitute—
  - ““regulatory or supervisory power” means any power (however expressed) to obtain information or documents which—
  - (a) is conferred by or under an enactment other than this Act or the Regulation of Investigatory Powers Act 2000, and
  - (b) is exercisable in connection with—
    - (i) the regulation of persons or activities,
    - (ii) the checking or monitoring of compliance with requirements, prohibitions or standards imposed by or under an enactment, or
    - (iii) the enforcement of any requirement or prohibition imposed by or under an enactment,”;
- (c) omit the definition of “relevant postal power”.

(8) In section 267 of the Investigatory Powers Act 2016 (regulations), in subsection (5), after paragraph (a) insert—

“(aa) regulations under section 12(5B),”.

(9) In the Investigatory Powers Act 2016, after Schedule 2 insert—

“SCHEDULE 2A

Section 12(5A)

SPECIFIED PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 12

- 1 The Treasury.
- 2 A local authority.

In this Schedule “local authority” has the same meaning as in Part 3 (see section 86).”

---

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the  
Investigatory Powers (Amendment) Act 2024, Section 14. (See end of Document for details)*

---

(10) The Schedule reverses the effect of certain repeals of disclosure powers, and makes consequential and supplementary provision.

---

**Commencement Information**

**II** S. 14 not in force at Royal Assent, see [s. 32\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 14.