



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 5

EQUIPMENT INTERFERENCE

Implementation of warrants

126 Implementation of warrants

- (1) In giving effect to a targeted equipment interference warrant, the person to whom it is addressed (“the implementing authority”) may (in addition to acting alone) act through, or together with, such other persons as the implementing authority may require (whether under subsection (2) or otherwise) to provide the authority with assistance in giving effect to the warrant.
- (2) For the purpose of requiring any person to provide assistance in relation to a targeted equipment interference warrant, the implementing authority may—
 - (a) serve a copy of the warrant on any person whom the implementing authority considers may be able to provide such assistance, or
 - (b) make arrangements for the service of a copy of the warrant on any such person.
- (3) A copy of a warrant may be served under subsection (2) on a person outside the United Kingdom for the purpose of requiring the person to provide such assistance in the form of conduct outside the United Kingdom.
- (4) For the purposes of this Act, the provision of assistance in giving effect to a targeted equipment interference warrant includes any disclosure to the implementing authority, or to persons acting on that person’s behalf, of material obtained under the warrant.
- (5) The references in subsections (2) and (3) and sections 127 and 128 to the service of a copy of a warrant include—
 - (a) the service of a copy of one or more schedules contained in the warrant with the omission of the remainder of the warrant, and

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- (b) the service of a copy of the warrant with the omission of any schedule contained in it.

Commencement Information

II S. 126 in force at 27.6.2018 by S.I. 2018/652, reg. 9(n)

127 Service of warrants

- (1) This section applies to the service of warrants under section 126(2).
- (2) A copy of the warrant must be served in such a way as to bring the contents of the warrant to the attention of the person who the implementing authority considers may be able to provide assistance in relation to it.
- (3) A copy of a warrant may be served on a person outside the United Kingdom in any of the following ways (as well as by electronic or other means of service)—
- by serving it at the person's principal office within the United Kingdom or, if the person has no such office in the United Kingdom, at any place in the United Kingdom where the person carries on business or conducts activities;
 - if the person has specified an address in the United Kingdom as one at which the person, or someone on the person's behalf, will accept service of documents of the same description as a copy of a warrant, by serving it at that address;
 - by making it available for inspection (whether to the person or to someone acting on the person's behalf) at a place in the United Kingdom (but this is subject to subsection (4)).
- (4) A copy of a warrant may be served on a person outside the United Kingdom in the way mentioned in subsection (3)(c) only if—
- it is not reasonably practicable for a copy to be served by any other means (whether as mentioned in subsection (3)(a) or (b) or otherwise), and
 - the implementing authority takes such steps as it considers appropriate for the purpose of bringing the contents of the warrant, and the availability of a copy for inspection, to the attention of the person.
- (5) The steps mentioned in subsection (4)(b) must be taken as soon as reasonably practicable after the copy of the warrant is made available for inspection.
- (6) In this section, “the implementing authority” has the same meaning as in section 126.

Commencement Information

II S. 127 in force at 27.6.2018 by S.I. 2018/652, reg. 9(o)

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

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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.
- (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

- I3** S. 128(1)(5)-(7) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 9\(p\)](#)
I4 S. 128(2)-(4) in force at 5.12.2018 by [S.I. 2018/1246](#), [reg. 3\(f\)](#)

Changes to legislation:

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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):

- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)