

**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 28 April 2024. 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 2

#### LAWFUL INTERCEPTION OF COMMUNICATIONS

##### *Regulation of Investigatory Powers Act 2000*

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

##### Commencement Information

**11** Sch. 10 para. 44 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

45 Omit Chapter 1 of Part 1 (interception of communications).

##### Commencement Information

**12** Sch. 10 para. 45 in force at 12.3.2018 for specified purposes by S.I. 2018/341, reg. 2(n) (with reg. 3)

**13** Sch. 10 para. 45 in force at 27.6.2018 for specified purposes by S.I. 2018/652, reg. 13 (with regs. 15(4), 16, 19(1))

**14** Sch. 10 para. 45 in force at 8.8.2018 for specified purposes by S.I. 2018/652, reg. 14(c) (with regs. 15(4), 16, 19(6))

**15** Sch. 10 para. 45 in force at 26.9.2018 for specified purposes by S.I. 2018/940, reg. 3(h)

**16** Sch. 10 para. 45 in force at 7.11.2018 for specified purposes by S.I. 2018/940, reg. 4(a)

**17** Sch. 10 para. 45 in force at 27.12.2018 in so far as not already in force by S.I. 2018/940, reg. 5(f)

46 (1) Section 49 (investigation of electronic data protected by encryption etc: powers under which data obtained) is amended as follows.

(2) In subsection (1)(b) after “communications” insert “ or obtain secondary data from communications ”.

(3) After subsection (9) insert—

“(9A) In subsection (1)(b) the reference to obtaining secondary data from communications is to be read in accordance with section 16 of the Investigatory Powers Act 2016.”

##### Commencement Information

**18** Sch. 10 para. 46 in force at 30.8.2018 by S.I. 2018/940, reg. 2(1)(h)(i) (with reg. 2(2))

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47 In section 71 (issue and revision of codes of practice) omit subsection (10).

**Commencement Information**

**I9** Sch. 10 para. 47 in force at 27.12.2018 by S.I. 2018/940, reg. 5(g)

48 In section 78(3)(a) (affirmative orders) omit “12(10), 13(3),”.

**Commencement Information**

**I10** Sch. 10 para. 48 in force at 12.3.2018 by S.I. 2018/341, reg. 2(o)

49 (1) Section 81 (general interpretation) is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “criminal”, omit “or prosecution”, and
- (b) in the definition of “interception warrant”, for “a warrant under section 5” substitute “—
  - (a) a targeted interception warrant or mutual assistance warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
  - (b) a bulk interception warrant under Chapter 1 of Part 6 of that Act”.

(3) In subsection (4) omit the words from “; and references” to the end.

(4) In subsection (5) omit the words from “, except that” to the end.

**Commencement Information**

**I11** Sch. 10 para. 49 in force at 27.12.2018 by S.I. 2018/940, reg. 5(h)

50 In section 82 (amendments, repeals and savings etc.) omit subsections (4) to (6).

**Commencement Information**

**I12** Sch. 10 para. 50 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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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](#)