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## SCHEDULES

### SCHEDULE 1

Section 7

#### MONETARY PENALTY NOTICES

#### PART 1

#### MONETARY PENALTY NOTICES

##### *Payment of monetary penalties*

- 1 (1) A monetary penalty imposed by a monetary penalty notice must be paid to the Commissioner within the period specified in the notice.
- (2) The period specified under sub-paragraph (1) must not be less than 28 days beginning with the day after the day on which the notice is served.
- (3) Any sum received by the Commissioner by virtue of a monetary penalty notice must be paid into the Consolidated Fund.

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#### Commencement Information

**II** Sch. 1 para. 1 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

##### *Contents of monetary penalty notices*

- 2 A monetary penalty notice must, in particular—
- (a) state the name and address of the person on whom it is to be served,
  - (b) provide details of the notice of intent served on that person (see paragraph 4),
  - (c) state whether the Commissioner has received written representations in accordance with that notice of intent,
  - (d) state the grounds on which the Commissioner serves the monetary penalty notice,
  - (e) state the grounds on which the Commissioner decided the amount of the monetary penalty imposed by the monetary penalty notice,
  - (f) state the details of how the monetary penalty is to be paid,
  - (g) provide details of the person's rights of appeal under paragraph 8 in respect of the monetary penalty notice,
  - (h) provide details of the Commissioner's rights of enforcement under paragraph 9 in respect of the monetary penalty notice.

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**Commencement Information**

**I2** Sch. 1 para. 2 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Enforcement obligations*

- 3 (1) The Commissioner may include an enforcement obligation, or enforcement obligations, in a monetary penalty notice if the Commissioner considers that the interception to which the notice relates is continuing.
- (2) Each of the following is an enforcement obligation—
- (a) a requirement on the person on whom the notice is served to cease the interception on a specified day or within a specified period;
  - (b) (where appropriate for achieving such a cessation) a requirement on the person to take specified steps within a specified period, or to refrain from taking specified steps after the end of a specified period.
- (3) An enforcement obligation may not have effect before the end of the period of 7 days beginning with the day after the day on which the notice is served.
- (4) Where an enforcement obligation is included in a monetary penalty notice under this paragraph, the notice must state what the obligation is and the grounds for including it.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Consultation requirements before service of monetary penalty notices*

- 4 (1) The Commissioner must proceed in accordance with sub-paragraphs (2) to (7) before serving a monetary penalty notice on a person.
- (2) The Commissioner must serve a notice of intent on the person.
- (3) A notice of intent is a notice that the Commissioner proposes to serve a monetary penalty notice on the person.
- (4) A notice of intent served on a person must, in particular—
- (a) state the name and address of the person,
  - (b) state the grounds on which the Commissioner proposes to serve the monetary penalty notice,
  - (c) provide an indication of the amount of the monetary penalty that the Commissioner proposes to impose and the Commissioner's grounds for deciding that amount,
  - (d) state whether the monetary penalty notice is to include any enforcement obligation and, if so, what the obligation is and the grounds for including it,
  - (e) state the date on which the Commissioner proposes to serve the monetary penalty notice,

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- (f) inform the person that the person may make written representations in relation to the Commissioner's proposal within a period specified in the notice, and
  - (g) inform the person that the person may, within a period specified in the notice, request an oral hearing before the Commissioner in order to make representations of the kind mentioned in sub-paragraph (6)(b).
- (5) No period specified as mentioned in sub-paragraph (4)(f) or (g) may be less than 21 days beginning with the day after the day on which the notice is served.
- (6) Where the person has requested an oral hearing within the period specified for the purpose in the notice—
- (a) the Commissioner must arrange such a hearing, and
  - (b) the person may make representations at the hearing about—
    - (i) any matter falling within section 7(3)(c), or
    - (ii) any other matter relating to the Commissioner's proposal which, by virtue of section 56, the person would be unable to raise on an appeal under paragraph 8.
- (7) The Commissioner must consider any representations which have been made by the person in accordance with the notice or sub-paragraph (6).
- (8) If the Commissioner decides not to serve a monetary penalty notice on a person as a result of any representations which have been made by the person in accordance with a notice of intent or sub-paragraph (6), the Commissioner must inform the person of that fact.

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**Commencement Information**

**I4** Sch. 1 para. 4 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

- 5
- (1) The Commissioner may not vary a notice of intent except as set out in sub-paragraph (2).
  - (2) The Commissioner may vary a notice of intent by extending the period mentioned in paragraph 4(4)(f) or (g).
  - (3) Sub-paragraph (1) does not prevent the Commissioner from serving a new notice of intent instead of varying such a notice.
  - (4) The Commissioner may cancel a notice of intent.
  - (5) A variation or cancellation of a notice of intent is effected by serving on the person on whom the notice was served a notice setting out the variation or cancellation.

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**Commencement Information**

**I5** Sch. 1 para. 5 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

- 6
- (1) The Commissioner must not serve a monetary penalty notice on a person in respect of an interception if any notice of intent in respect of that interception was served on the person more than 3 months earlier.

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- (2) But the Commissioner may serve a monetary penalty notice on a person where the service of the notice would otherwise be prevented by sub-paragraph (1) if the Commissioner—
- (a) considers it reasonable to do so, and
  - (b) includes the reasons for doing so in the monetary penalty notice.

**Commencement Information**

**16** Sch. 1 para. 6 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Variation or cancellation of monetary penalty notices*

- 7 (1) The Commissioner may vary or cancel a monetary penalty notice.
- (2) But the Commissioner may not vary a monetary penalty notice in a way that is detrimental to the person on whom it was served (whether by increasing the amount of the monetary penalty, by reducing the period specified in the notice as the period within which the penalty must be paid, by imposing a new enforcement obligation or making an existing enforcement obligation effective earlier or otherwise more onerous, or otherwise).
- (3) The Commissioner must—
- (a) in the case of a variation which reduces the amount of a monetary penalty, repay any excess already paid in accordance with the notice, and
  - (b) in the case of a cancellation, repay any amount already paid in accordance with the notice.
- (4) A variation or cancellation of a monetary penalty notice is effected by serving on the person on whom the monetary penalty notice was served a notice setting out the variation or cancellation.
- (5) The Commissioner may not serve another monetary penalty notice on a person in respect of an interception if the Commissioner has cancelled a previous notice served on the person in respect of the same interception.
- (6) If the Commissioner refuses a request by a person to vary or cancel a monetary penalty notice which has been served on the person, the Commissioner must inform the person of that fact.

**Commencement Information**

**17** Sch. 1 para. 7 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Appeals in relation to monetary penalty notices*

- 8 (1) A person on whom a monetary penalty notice is served may appeal to the First-tier Tribunal against—
- (a) the monetary penalty notice or any provision of it, or
  - (b) any refusal of a request by the person to serve a notice of variation or cancellation in relation to the monetary penalty notice.

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- (2) Where there is an appeal under sub-paragraph (1)(a) in relation to a monetary penalty notice or any provision of it, any requirement in the notice or (as the case may be) provision which does not relate to the imposition of an enforcement obligation need not be complied with until the appeal is withdrawn or finally determined.
- (3) Sub-paragraphs (4) to (6) apply in relation to an appeal under sub-paragraph (1)(a).
- (4) The First-tier Tribunal must allow the appeal or substitute such other monetary penalty notice as could have been served by the Commissioner if the Tribunal considers—
  - (a) that the notice to which the appeal relates is not in accordance with the law, or
  - (b) to the extent that the notice involved an exercise of discretion by the Commissioner, that the Commissioner ought to have exercised the discretion differently.
- (5) In any other case, the First-tier Tribunal must dismiss the appeal.
- (6) The First-tier Tribunal may review any determination of fact on which the notice was based.
- (7) Sub-paragraphs (8) to (10) apply in relation to an appeal under sub-paragraph (1)(b).
- (8) The First-tier Tribunal must direct the Commissioner to serve, on such terms as the Tribunal considers appropriate, a notice of variation or cancellation in relation to the monetary penalty notice if the Tribunal considers that the monetary penalty notice ought to be varied or cancelled on those terms.
- (9) In any other case, the First-tier Tribunal must dismiss the appeal.
- (10) The First-tier Tribunal may review any determination of fact on which the refusal to serve the notice of variation or cancellation was based.

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**Commencement Information**

**18** Sch. 1 para. 8 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Enforcement of monetary penalty notices*

- 9 (1) This paragraph applies in relation to any penalty payable to the Commissioner by virtue of a monetary penalty notice.
- (2) In England and Wales or Northern Ireland, the penalty is recoverable—
  - (a) if the county court in England and Wales or a county court in Northern Ireland so orders, as if it were payable under an order of that court, and
  - (b) if the High Court so orders, as if it were payable under an order of that court.
- (3) In Scotland, the penalty is recoverable as if it were payable under an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom in Scotland.

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**Commencement Information**

**19** Sch. 1 para. 9 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

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- 10 (1) A person on whom a monetary penalty notice containing an enforcement obligation is served must comply with the obligation.
- (2) The duty imposed by sub-paragraph (1) is enforceable by civil proceedings by the Commissioner 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**

**I10** Sch. 1 para. 10 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Guidance*

- 11 (1) The Commissioner must prepare and issue guidance on how the Commissioner proposes to exercise the Commissioner's functions under section 7 and this Schedule.
- (2) The guidance must, in particular, deal with—
- (a) the manner in which the Commissioner is to deal with claims of a description specified in the guidance which may give rise to grounds for serving a monetary penalty notice,
  - (b) the circumstances in which the Commissioner would consider it appropriate to serve a monetary penalty notice,
  - (c) how the Commissioner will determine the amount of the penalty, and
  - (d) the circumstances in which the Commissioner would consider it appropriate to impose an enforcement obligation.
- (3) The Commissioner may alter or replace the guidance.
- (4) If the guidance is altered or replaced, the Commissioner must issue the altered or replacement guidance.
- (5) The Commissioner must arrange for the publication, in such form and manner as the Commissioner considers appropriate, of any guidance issued under this paragraph.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Interpretation of Part 1*

- 12 In this Part of this Schedule—
- “address” means—
- (a) in the case of a registered company, the address of its registered office,
  - (b) in the case of a person (other than a registered company) carrying on a business, the address of the person's principal place of business in the United Kingdom, and
  - (c) in any other case, the person's last known address;
- “the Commissioner” means the Investigatory Powers Commissioner;
- “enforcement obligation” has the meaning given by paragraph 3(2);
- “monetary penalty notice” means a monetary penalty notice under section 7;

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“notice” means notice in writing;  
“notice of intent” has the meaning given by paragraph 4(3);  
“registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

**PART 2**

INFORMATION PROVISIONS

*Information notices*

- 13 (1) The Commissioner may by notice (an “information notice”) request any person on whom the Commissioner is considering whether to serve a Part 1 notice of intent or a Part 1 monetary penalty notice to provide such information as the Commissioner reasonably requires for the purpose of deciding whether to serve it.
- (2) Where the Commissioner requests that documents be produced, the Commissioner may take copies of, or extracts from, any document so produced.
- (3) An information notice must—
- (a) specify or describe the information to be provided,
  - (b) specify the manner in which, and the period within which, the information is to be provided,
  - (c) state that the Commissioner considers that the information is information which the Commissioner reasonably requires for the purpose of deciding whether to serve a Part 1 notice of intent or (as the case may be) a Part 1 monetary penalty notice,
  - (d) state the Commissioner's grounds for this view, and
  - (e) provide details of the rights of appeal under paragraph 15 in respect of the information notice.
- (4) For the purposes of sub-paragraph (3)(b)—
- (a) specifying the manner in which the information is to be provided may include specifying the form in which it is to be provided, and
  - (b) the specified period within which the information is to be provided must not be less than 28 days beginning with the day after the day on which the information notice is served.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

- 14 (1) The Commissioner may not vary an information notice except as set out in sub-paragraph (2).

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- (2) The Commissioner may vary an information notice by extending the period within which the information is to be provided if the person on whom the notice is served appeals under paragraph 15 in relation to the notice.
- (3) Sub-paragraph (1) does not prevent the Commissioner from serving a new information notice instead of varying such a notice.
- (4) The Commissioner may cancel an information notice.
- (5) A variation or cancellation of an information notice is effected by serving on the person on whom the notice was served a notice setting out the variation or cancellation.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

*Appeals in relation to information notices*

- 15 (1) A person on whom an information notice is served may appeal to the First-tier Tribunal against—
- (a) the information notice or any provision of it, or
  - (b) any refusal of a request by the person to serve a notice of variation or cancellation in relation to the information notice.
- (2) Subject to paragraph 14(2), an appeal under this paragraph does not affect the need to comply with the information notice while the appeal has not been withdrawn or finally determined.
- (3) Sub-paragraphs (4) to (6) apply in relation to an appeal under sub-paragraph (1)(a).
- (4) The First-tier Tribunal must allow the appeal or substitute such other information notice as could have been served by the Commissioner if the Tribunal considers—
- (a) that the notice to which the appeal relates is not in accordance with the law, or
  - (b) to the extent that the notice involved an exercise of discretion by the Commissioner, that the Commissioner ought to have exercised the discretion differently.
- (5) In any other case, the First-tier Tribunal must dismiss the appeal.
- (6) The First-tier Tribunal may review any determination of fact on which the notice was based.
- (7) Sub-paragraphs (8) to (10) apply in relation to an appeal under sub-paragraph (1)(b).
- (8) The First-tier Tribunal must direct the Commissioner to issue, on such terms as the Tribunal considers appropriate, a notice of variation or cancellation in relation to the information notice if the Tribunal considers that the information notice ought to be varied or cancelled on those terms.
- (9) In any other case, the First-tier Tribunal must dismiss the appeal.
- (10) The First-tier Tribunal may review any determination of fact on which the refusal to serve the notice of variation or cancellation was based.



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#### Commencement Information

**I15** Sch. 1 para. 15 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

#### *Enforcement of information notices*

- 16 (1) The Commissioner may serve a Part 2 monetary penalty notice on a person if the person—
- (a) without reasonable excuse fails to comply with an information notice, or
  - (b) knowingly or recklessly gives any information which is false in a material particular in response to an information notice.
- (2) A Part 2 monetary penalty notice is a notice requiring the person on whom it is served to pay to the Commissioner a monetary penalty of an amount determined by the Commissioner and specified in the notice.
- (3) The amount of a monetary penalty determined by the Commissioner under this paragraph may be—
- (a) a fixed amount,
  - (b) an amount calculated by reference to a daily rate, or
  - (c) a fixed amount and an amount calculated by reference to a daily rate.
- (4) But the total amount payable must not exceed £10,000.
- (5) In the case of an amount calculated by reference to a daily rate—
- (a) no account is to be taken of the day on which the Part 2 monetary penalty notice is served or any day before that day, and
  - (b) the Part 2 monetary penalty notice must specify—
    - (i) the day on which the amount first starts to accumulate and the circumstances in which it is to cease to accumulate, and
    - (ii) the period or periods within which the amount, or any part or parts so far accumulated, must be paid to the Commissioner.

Any period falling within paragraph (b)(ii) must not be less than 28 days beginning with the day after the day on which the notice is served.

#### Commencement Information

**I16** Sch. 1 para. 16 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

- 17 (1) Part 1 of this Schedule applies in relation to a Part 2 monetary penalty notice and the penalty that relates to that notice as it applies in relation to a Part 1 monetary penalty notice and the penalty that relates to that notice.
- (2) The provisions in Part 1 of this Schedule so far as relating to enforcement obligations do not apply in relation to a Part 2 monetary penalty notice.
- (3) Paragraph 4 has effect in relation to a Part 2 monetary penalty notice as if in sub-paragraph (6)(b) the reference to making representations about matters falling within sub-paragraph (6)(b)(i) or (ii) were a reference to making representations about matters falling within sub-paragraph (6)(b)(ii) only.

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- (4) Paragraph 6 has effect in relation to a Part 2 monetary penalty notice as if the references in sub-paragraph (1) to an interception were references to conduct falling within paragraph 16(1)(a) or (b).
- (5) Paragraph 7(5) has effect in relation to a Part 2 monetary penalty notice as if the references to an interception were references to conduct falling within paragraph 16(1)(a) or (b).

#### Commencement Information

**I17** Sch. 1 para. 17 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

#### *Technical assistance for the Commissioner*

- 18 (1) OFCOM must comply with any reasonable request made by the Commissioner, in connection with the Commissioner's functions under section 7 and this Schedule, for advice on technical and similar matters relating to electronic communications.
- (2) For this purpose, the Commissioner may disclose to OFCOM any information obtained by the Commissioner under this Schedule.
- (3) In this paragraph “OFCOM” means the Office of Communications established by section 1 of the Office of Communications Act 2002.

#### Commencement Information

**I18** Sch. 1 para. 18 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

#### *Interpretation of Part 2*

- 19 In this Part of this Schedule—
- “the Commissioner” means the Investigatory Powers Commissioner;
  - “enforcement obligation” has the meaning given by paragraph 3(2);
  - “information” includes documents; and any reference to providing or giving information includes a reference to producing a document;
  - “information notice” has the meaning given by paragraph 13(1);
  - “notice” means notice in writing;
  - “Part 1 monetary penalty notice” means a monetary penalty notice under section 7;
  - “Part 1 notice of intent” means a notice of intent (within the meaning of paragraph 4(3)) relating to a Part 1 monetary penalty notice;
  - “Part 2 monetary penalty notice” means a monetary penalty notice under paragraph 16.

#### Commencement Information

**I19** Sch. 1 para. 19 in force at 27.6.2018 by S.I. 2018/652, reg. 7(g)

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## SCHEDULE 2

Section 12(1)

### ABOLITION OF DISCLOSURE POWERS

#### *Health and Safety at Work etc. Act 1974*

1 In section 20 of the Health and Safety at Work etc. Act 1974 (powers of inspectors), at end, insert—

“(9) Nothing in this section is to be read as enabling an inspector to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(10) In subsection (9) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

#### **Commencement Information**

**I20** Sch. 2 para. 1 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

#### *Criminal Justice Act 1987*

2 In section 2 of the Criminal Justice Act 1987 (investigation powers of Director of Serious Fraud Office), after subsection (10), insert—

“(10A) Nothing in this section is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(10B) In subsection (10A) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

#### **Commencement Information**

**I21** Sch. 2 para. 2 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

#### *Consumer Protection Act 1987*

3 In section 29 of the Consumer Protection Act 1987 (powers of search etc.), at end, insert—

“(8) The officer may not exercise a power under this section to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(9) In subsection (8) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

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#### Commencement Information

**I22** Sch. 2 para. 3 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

#### *Environmental Protection Act 1990*

- 4 In section 71 of the Environmental Protection Act 1990 (obtaining of information from persons and authorities), at end, insert—

“(5) Nothing in this section is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(6) In subsection (5) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

#### Commencement Information

**I23** Sch. 2 para. 4 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

#### *Social Security Administration Act 1992*

- 5 In section 109B of the Social Security Administration Act 1992 (power to require information)—

- (a) in subsection (2A) omit paragraph (j),
- (b) in subsection (2E) for the words from “for” to the end of the subsection substitute “ so as to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator. ”,
- (c) omit subsection (2F), and
- (d) in subsection (7)—

- (i) after the definition of “bank” insert—

““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”,

- (ii) after the definition of “insurer” insert—

““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and

- (iii) for the definition of “telecommunications service” substitute—

““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”

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**Commencement Information**

**I24** Sch. 2 para. 5 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

6 In section 109C of the Social Security Administration Act 1992 (powers of entry) for subsection (6) substitute—

“(6) Subsections (2E) and (5) of section 109B apply for the purposes of this section as they apply for the purposes of that section.”

**Commencement Information**

**I25** Sch. 2 para. 6 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

*Social Security Administration (Northern Ireland) Act 1992*

7 In section 103B of the Social Security Administration (Northern Ireland) Act 1992 (power to require information)—

- (a) in subsection (2A) omit paragraph (i),
- (b) in subsection (2E) for the words from “for” to the end of the subsection substitute “so as to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.”,
- (c) omit subsection (2F), and
- (d) in subsection (7)—

(i) after the definition of “bank” insert—

““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”,

(ii) after the definition of “insurer” insert—

““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and

(iii) for the definition of “telecommunications service” substitute—

““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”

**Commencement Information**

**I26** Sch. 2 para. 7 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

8 In section 103C of the Social Security Administration (Northern Ireland) Act 1992 (powers of entry) for subsection (6) substitute—

“(6) Subsections (2E) and (5) of section 103B apply for the purposes of this section as they apply for the purposes of that section.”

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**Commencement Information**

**I27** Sch. 2 para. 8 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

*Financial Services and Markets Act 2000*

- 9 In section 175 of the Financial Services and Markets Act 2000 (information gathering and investigations: supplemental provision), after subsection (5), insert—
  - “(5A) Nothing in this Part is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.
  - (5B) In subsection (5A) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

**Commencement Information**

**I28** Sch. 2 para. 9 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

*Finance Act 2008*

<sup>F1</sup>10 .....

**Textual Amendments**

**F1** Sch. 2 para. 10 omitted (retrospectively) by Finance (No. 2) Act 2023 (c. 30), s. 352(6)(7)

*Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 (S.I. 2014/899)*

- 11 In regulation 4 of the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 (power to require information from persons who provide telecommunications services etc.)—
  - (a) omit sub-paragraph (f) of paragraph (3),
  - (b) in sub-paragraph (g) of that paragraph for “(f)” substitute “ (e) ”,
  - (c) omit paragraphs (6) and (7),
  - (d) after paragraph (10) insert—
    - “(10A) Nothing in this regulation is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.”, and
  - (e) in paragraph (11)—
    - (i) after the definition of “bank” insert—
      - ““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”,

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(ii) after the definition of “family” insert—

““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and

(iii) for the definition of “telecommunications service” substitute—

““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”

**Commencement Information**

**I29** Sch. 2 para. 11 in force at 22.7.2020 by S.I. 2020/766, reg. 2(d)

SCHEDULE 3

Section 56

EXCEPTIONS TO SECTION 56

*Introductory*

- 1 This Schedule contains—
- (a) exceptions to the exclusion by section 56(1) of certain matters from legal proceedings, and
  - (b) limitations on those exceptions where that exclusion will still apply.

**Commencement Information**

**I30** Sch. 3 para. 1 in force at 27.6.2018 by S.I. 2018/652, reg. 8(w)

*Disclosures of lawfully intercepted communications*

- 2 (1) Section 56(1)(a) does not prohibit the disclosure of any content of a communication, or any secondary data obtained from a communication, if the interception of that communication was lawful by virtue of any of the following provisions—
- (a) sections 6(1)(c) and 44 to 52;
  - (b) sections 1(5)(c), 3 and 4 of the Regulation of Investigatory Powers Act 2000;
  - (c) section 1(2)(b) and (3) of the Interception of Communications Act 1985.
- (2) Where any disclosure is proposed to be, or has been, made on the grounds that it is authorised by sub-paragraph (1), section 56(1) does not prohibit the doing of anything in, or for the purposes of, so much of any proceedings as relates to the question whether that disclosure is or was so authorised.

**Commencement Information**

**I31** Sch. 3 para. 2 in force at 27.6.2018 by S.I. 2018/652, reg. 8(w)

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*Disclosures of convictions for certain offences*

- 3 Section 56(1)(b) does not prohibit the doing of anything that discloses any conduct of a person for which that person has been convicted of—
- (a) an offence under section 3(1), 43(7), 59 or 155,
  - (b) an offence under section 1(1) or (2), 11(7) or 19 of the Regulation of Investigatory Powers Act 2000, or
  - (c) an offence under section 1 of the Interception of Communications Act 1985.

**Commencement Information**

**I32** Sch. 3 para. 3 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Proceedings before the Investigatory Powers Tribunal etc.*

- 4 Section 56(1) does not apply in relation to—
- (a) any proceedings before the Investigatory Powers Tribunal,
  - (b) any proceedings on an appeal under section 67A of the Regulation of Investigatory Powers Act 2000 (appeal against decisions of the Tribunal etc.), or
  - (c) any proceedings arising out of such an appeal.

**Commencement Information**

**I33** Sch. 3 para. 4 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Proceedings before Special Immigration Appeals Commission*

- 5 (1) Section 56(1) does not apply in relation to—
- (a) any proceedings before the Special Immigration Appeals Commission, or
  - (b) any proceedings arising out of proceedings before that Commission.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) the appellant or (as the case may be) applicant to the Special Immigration Appeals Commission, or
  - (b) any person who—
    - (i) represents that appellant or applicant for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment under section 6 of the Special Immigration Appeals Commission Act 1997.

**Commencement Information**

**I34** Sch. 3 para. 5 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Proceedings before Proscribed Organisations Appeal Commission*

- 6 (1) Section 56(1) does not apply in relation to—



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- (a) any proceedings before the Proscribed Organisations Appeal Commission, or
  - (b) any proceedings arising out of proceedings before that Commission.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to any of the following—
- (a) the applicant to the Commission;
  - (b) the organisation concerned (if different);
  - (c) any person designated under paragraph 6 of Schedule 3 to the Terrorism Act 2000 to conduct the proceedings on behalf of that organisation;
  - (d) any person who—
    - (i) represents that appellant or that organisation for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of an appointment under paragraph 7 of that Schedule.

**Commencement Information**

**I35** Sch. 3 para. 6 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Closed material proceedings*

- 7 (1) Section 56(1) does not apply in relation to any section 6 proceedings within the meaning given by section 14(1) of the Justice and Security Act 2013 (certain civil proceedings in which closed material applications may be made).
- (2) But sub-paragraph (1) does not permit a prohibited section 6 disclosure.
- (3) In the case of section 6 proceedings where the only relevant person is the Secretary of State, a “prohibited section 6 disclosure” means a disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.
- (4) In the case of section 6 proceedings where the Secretary of State is not the only relevant person, or is not a relevant person but is a party to the proceedings, a “prohibited section 6 disclosure” means a disclosure of anything to—
- (a) any person, other than the relevant person concerned or the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents a person within paragraph (a) for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.
- (5) In this paragraph “relevant person”, in relation to section 6 proceedings, has the meaning given by section 14(1) of the Justice and Security Act 2013.

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#### Commencement Information

**I36** Sch. 3 para. 7 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

#### *TPIM proceedings*

- 8 (1) Section 56(1) does not apply in relation to—
- (a) any TPIM proceedings, or
  - (b) any proceedings arising out of any TPIM proceedings.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate under Schedule 4 to the Terrorism Prevention and Investigation Measures Act 2011.
- (3) In this paragraph “TPIM proceedings” has the same meaning as in the Terrorism Prevention and Investigation Measures Act 2011.

#### Commencement Information

**I37** Sch. 3 para. 8 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

#### *<sup>F2</sup>Proceedings under Part 2 of the National Security Act 2023*

#### Textual Amendments

**F2** [Sch. 3 para. 8A](#) and cross-heading inserted (20.12.2023) by [National Security Act 2023 \(c. 32\)](#), s. 100(1), [Sch. 18 para. 10\(2\)](#) (with s. 97); [S.I. 2023/1272](#), [reg. 2\(f\)](#)

- 8A (1) Section 56(1) does not apply in relation to—
- (a) any proceedings which are relevant proceedings within the meaning of Part 2 of the National Security Act 2023 (see section 62(1) of that Act), or
  - (b) any proceedings arising out of any proceedings within paragraph (a).
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of an appointment as a special advocate under Schedule 10 to the National Security Act 2023.]

#### *TEO proceedings*

- 9 (1) Section 56(1) does not apply in relation to—

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- (a) any TEO proceedings, or
  - (b) any proceedings arising out of any TEO proceedings.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate under Schedule 3 to the Counter-Terrorism and Security Act 2015.
- (3) In this paragraph “TEO proceedings” has the meaning given by paragraph 1 of Schedule 3 to the Counter-Terrorism and Security Act 2015 (temporary exclusion orders: proceedings).

#### Commencement Information

**I38** Sch. 3 para. 9 in force at 27.6.2018 by [S.I. 2018/652](#), **reg. 8(w)**

#### *F<sup>3</sup> Sanctions proceedings*

#### Textual Amendments

**F3** [Sch. 3 para. 9A](#) and cross-heading inserted (22.11.2018) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64(2), **Sch. 3 para. 7** (with ss. 52(3), 53, 58); [S.I. 2018/1213](#), **reg. 2(f)**

- 9A (1) Section 56(1) does not apply in relation to any proceedings—
- (a) on an application under section 38 of the Sanctions and Anti-Money Laundering Act 2018 (court review of decisions), or
  - (b) on a claim arising from any matter to which such an application relates, or any proceedings arising out of such proceedings.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State or the Treasury (as the case may be), who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.]

#### *Proceedings relating to freezing of terrorist assets etc.*

- 10 (1) Section 56(1) does not apply in relation to—
- (a) any financial restrictions proceedings, or
  - (b) any proceedings arising out of such proceedings.
- (2) In this paragraph “financial restrictions proceedings” has the meaning given by section 65 of the Counter-Terrorism Act 2008.

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#### Commencement Information

**I39** Sch. 3 para. 10 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

<sup>F4</sup>11 . . . . .

#### Textual Amendments

**F4** Sch. 3 para. 11 repealed (31.12.2020) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64(2), [Sch. 3 para. 9](#) (with ss. 52(3), 53, 58); [S.I. 2020/1535](#), [reg. 3\(e\)](#)

- 12 But [<sup>F5</sup>paragraph 10 does not permit] the disclosure of anything to—
- (a) any person, other than the Treasury, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.

#### Textual Amendments

**F5** Words in [Sch. 3 para. 12](#) substituted (31.12.2020) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64(2), [Sch. 3 para. 10](#) (with ss. 52(3), 53, 58); [S.I. 2020/1535](#), [reg. 3\(f\)](#)

#### Commencement Information

**I40** Sch. 3 para. 12 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

#### *Proceedings relating to release of prisoners etc. in Northern Ireland*

- 13 (1) Section 56(1) does not apply in relation to—
- (a) any proceedings before—
    - (i) the Parole Commissioners for Northern Ireland, or
    - (ii) any Sentence Review Commissioners appointed under section 1 of the Northern Ireland (Sentences) Act 1998, or
  - (b) any proceedings arising out of such proceedings.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
  - (b) any person who—
    - (i) represents such a person for the purposes of the proceedings, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.

#### Commencement Information

**I41** Sch. 3 para. 13 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

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*Employment or industrial tribunal proceedings*

- 14 (1) Section 56(1) does not apply in relation to any proceedings before an employment tribunal where the applicant, or the applicant's representatives, are excluded for all or part of the proceedings pursuant to—
- (a) a direction to the tribunal by virtue of section 10(5)(b) or (c) of the Employment Tribunals Act 1996 (exclusion from Crown employment proceedings by direction of Minister in interests of national security), or
  - (b) a determination of the tribunal by virtue of section 10(6) of that Act (determination by tribunal in interests of national security).
- (2) Section 56(1) does not apply in relation to any proceedings before an industrial tribunal in Northern Ireland where the applicant, or the applicant's representatives, are excluded for all or part of the proceedings pursuant to—
- (a) a direction to the tribunal by virtue of Article 12(5)(b) or (c) of the Industrial Tribunals (Northern Ireland) Order 1996 (S.I. 1996/1921 (N.I. 18)) (exclusion from Crown employment proceedings by direction of Minister in interests of national security), or
  - (b) a determination of the tribunal by virtue of Article 12(6) of that Order (determination by tribunal in interests of national security).
- (3) Section 56(1) does not apply in relation to any proceedings arising out of proceedings within sub-paragraph (1) or (2).

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**Commencement Information**

**I42** Sch. 3 para. 14 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

- 15 But paragraph 14 does not permit the disclosure of anything to—
- (a) the person who is or was the applicant in the proceedings before the employment or industrial tribunal, or
  - (b) any person who—
    - (i) represents that person for the purposes of any proceedings within paragraph 14, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.

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**Commencement Information**

**I43** Sch. 3 para. 15 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Proceedings relating to dismissal for certain offences*

- 16 Section 56(1) does not prohibit anything done in, for the purposes of, or in connection with, so much of any legal proceedings as relates to the fairness or unfairness of a dismissal on the following grounds—
- (a) any conduct constituting an offence under section 3(1), 43(7), 59 or 155;
  - (b) any conduct taking place before the coming into force of this paragraph and constituting—
    - (i) an offence under section 1(1) or (2), 11(7) or 19 of the Regulation of Investigatory Powers Act 2000, or

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- (ii) an offence under section 1 of the Interception of Communications Act 1985.

**Commencement Information**

**I44** Sch. 3 para. 16 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Proceedings on appeals relating to claims of discrimination in Northern Ireland*

- 17 (1) Section 56(1) does not apply in relation to any proceedings on an appeal under Article 80(2) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21)) where—
- (a) the appeal relates to a claim of discrimination in contravention of Part 3 of that Order (employment cases) and to a certificate of the Secretary of State that the act concerned was justified for the purpose of safeguarding national security, and
  - (b) a party to the appeal, or the party's representatives, are excluded for all or part of the proceedings by virtue of section 91(4)(b) of the Northern Ireland Act 1998.
- (2) Section 56(1) does not apply in relation to any proceedings arising out of proceedings within sub-paragraph (1).

**Commencement Information**

**I45** Sch. 3 para. 17 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

- 18 But paragraph 17 does not permit the disclosure of anything to—
- (a) any person who is or was excluded from all or part of the proceedings mentioned in paragraph 17(1), or
  - (b) any person who—
    - (i) represents such a person for the purposes of any proceedings within paragraph 17, and
    - (ii) does so otherwise than by virtue of appointment as a special advocate.

**Commencement Information**

**I46** Sch. 3 para. 18 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

*Civil proceedings for enforcement of duty to assist with implementation of warrants*

- 19 Section 56(1) does not apply in relation to any civil proceedings under section 43(8) of this Act or section 11(8) of the Regulation of Investigatory Powers Act 2000 (enforcement of duty of operators to assist with implementation of warrants).

**Commencement Information**

**I47** Sch. 3 para. 19 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

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*Proceedings for certain offences*

- 20 (1) Section 56(1) does not apply in relation to any proceedings for a relevant offence.
- (2) “Relevant offence” means—
- (a) an offence under any provision of this Act;
  - (b) an offence under section 1 of the Interception of Communications Act 1985;
  - (c) an offence under any provision of the Regulation of Investigatory Powers Act 2000;
  - (d) an offence under section 47 or 48 of the Wireless Telegraphy Act 2006;
  - (e) an offence under section 83 or 84 of the Postal Services Act 2000;
  - (f) an offence under section 4 of the Official Secrets Act 1989 relating to any such information, document or article as is mentioned in subsection (3)(a) or (c) of that section;
  - (g) an offence under section 1 or 2 of the Official Secrets Act 1911 relating to any sketch, plan, model, article, note, document or information which—
    - (i) incorporates, or relates to, the content of any intercepted communication or any secondary data obtained from a communication, or
    - (ii) tends to suggest that any interception-related conduct has or may have occurred or may be going to occur;
  - (h) an offence of perjury committed in the course of any relevant proceedings;
  - [<sup>F6</sup>(ha) an offence under section 1 or 3 of the National Security Act 2023 relating to any information, document or other article which, or an offence under section 12 of that Act relating to any asset which—
    - (i) incorporates, or relates to, the content of any intercepted communication or any secondary data obtained from a communication, or
    - (ii) tends to suggest that any interception-related conduct has or may have occurred or may be going to occur;
  - (hb) an offence under section 18 of the National Security Act 2023 in relation to an offence falling within paragraph (ha);]
    - (i) an offence of attempting or conspiring to commit an offence falling within any of paragraphs (a) to [<sup>F7</sup>(ha)];
    - (j) an offence under Part 2 of the Serious Crime Act 2007 in relation to an offence falling within any of those paragraphs;
    - (k) an offence of aiding, abetting, counselling or procuring the commission of an offence falling within any of those paragraphs;
    - (l) contempt of court committed in the course of, or in relation to, any relevant proceedings.
- (3) In this paragraph—
- “intercepted communication” and “interception-related conduct” have the same meaning as in section 56;
  - “relevant proceedings” means any proceedings mentioned in paragraphs 4 to 19.

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#### Textual Amendments

- F6** Sch. 3 para. 20(2)(ha)(hb) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 10(3)(a)** (with s. 97); S.I. 2023/1272, reg. 2(f)
- F7** Word in Sch. 3 para. 20(2)(i) substituted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 10(3)(b)** (with s. 97); S.I. 2023/1272, reg. 2(f)

#### Commencement Information

- I48** Sch. 3 para. 20 in force at 27.6.2018 by S.I. 2018/652, **reg. 8(w)**

#### *Disclosures to prosecutors and judges*

- 21 (1) Nothing in section 56(1) prohibits—
- (a) a disclosure to a person (“P”) conducting a criminal prosecution that is made for the purpose only of enabling P to determine what is required of P by P’s duty to secure the fairness of the prosecution, or
  - (b) a disclosure to a relevant judge in a case in which the judge has ordered the disclosure to be made to the judge alone.
- (2) A relevant judge may order a disclosure under sub-paragraph (1)(b) only if the judge considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
- (3) Where in any criminal proceedings—
- (a) a relevant judge orders a disclosure under sub-paragraph (1)(b), and
  - (b) in consequence of that disclosure, the judge considers that there are exceptional circumstances requiring the judge to make a direction under this sub-paragraph,
- the judge may direct the person conducting the prosecution to make for the purposes of the proceedings any admission of fact which the judge considers essential in the interests of justice.
- (4) But nothing in any direction under sub-paragraph (3) may authorise or require anything to be done in contravention of section 56(1).
- (5) In this paragraph “relevant judge” means—
- (a) any judge of the High Court or of the Crown Court or any Circuit judge,
  - (b) any judge of the High Court of Justiciary or any sheriff,
  - (c) in relation to proceedings before the Court Martial, the judge advocate for those proceedings, or
  - (d) any person holding a judicial office that entitles the person to exercise the jurisdiction of a judge falling within paragraph (a) or (b).

#### Commencement Information

- I49** Sch. 3 para. 21 in force at 27.6.2018 by S.I. 2018/652, **reg. 8(w)**

#### *Disclosures to inquiries and inquests*

- 22 (1) Nothing in section 56(1) prohibits—



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- (a) a disclosure to the panel of an inquiry held under the Inquiries Act 2005, or
  - (b) a disclosure to a person appointed as legal adviser to such an inquiry,
- where, in the course of the inquiry, the panel has ordered the disclosure to be made to the panel alone or (as the case may be) to the panel and any person appointed as legal adviser to the inquiry.
- (2) The panel of an inquiry may order a disclosure under sub-paragraph (1) only if it considers that the exceptional circumstances of the case make the disclosure essential to enable the inquiry to fulfil its terms of reference.
  - (3) Any reference in this paragraph to a person appointed as legal adviser to an inquiry is a reference to a person appointed as solicitor or counsel to the inquiry.

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**Commencement Information**

**I50** Sch. 3 para. 22 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

- 23
- (1) Section 56(1) does not apply in relation to any restricted proceedings of an inquiry held under the Inquiries Act 2005.
  - (2) Proceedings of an inquiry held under that Act are “restricted proceedings” for the purposes of this paragraph if restrictions imposed under section 19 of that Act are in force prohibiting attendance at the proceedings by any person who is not—
    - (a) a member of the panel of the inquiry,
    - (b) a person appointed as legal adviser to the inquiry,
    - (c) a person who is a relevant party to the proceedings,
    - (d) a person representing such a person for the purposes of the proceedings, or
    - (e) a person performing functions necessary for the proper functioning of the proceedings.
  - (3) But sub-paragraph (1) does not permit any disclosure which has not been made in accordance with paragraph 22(1).
  - (4) In this paragraph “relevant party”, in relation to any proceedings of an inquiry, means—
    - (a) any person making a disclosure to the panel of the inquiry, or to a person appointed as legal adviser to the inquiry, in accordance with paragraph 22(1);
    - (b) any person giving evidence to the inquiry in circumstances where, in the absence of sub-paragraph (1), the prohibition imposed by section 56(1) would be breached;
    - (c) any person whose conduct is the interception-related conduct (within the meaning of section 56) to which the disclosure or evidence relates (whether or not that conduct has in fact occurred);
    - (d) any other person to whom the subject-matter of the disclosure or evidence has been lawfully disclosed in accordance with section 58.
  - (5) Any reference in this paragraph to a person appointed as legal adviser to an inquiry is to be read in accordance with paragraph 22(3).

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**Commencement Information**

**I51** Sch. 3 para. 23 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

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*Changes to legislation: Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 25 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*

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- 24 (1) Nothing in section 56(1) prohibits—
- (a) a disclosure to a person (the “nominated person”) nominated under paragraph 3(1) of Schedule 10 to the Coroners and Justice Act 2009 (investigation by judge or former judge) to conduct an investigation into a person's death, or
  - (b) a disclosure to a person appointed as legal adviser to an inquest forming part of an investigation conducted by the nominated person,
- where, in the course of the investigation, the nominated person has ordered the disclosure to be made to the nominated person alone or (as the case may be) to the nominated person and any person appointed as legal adviser to the inquest.
- (2) The nominated person may order a disclosure under sub-paragraph (1) only if the person considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
- (3) In a case where a person who is not a nominated person is or has been conducting an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death, nothing in section 56(1) prohibits—
- (a) a disclosure to the person that there is intercepted material in existence which is, or may be, relevant to the investigation;
  - (b) a disclosure to a person appointed as legal adviser to an inquest forming part of the investigation which is made for the purposes of determining—
    - (i) whether any intercepted material is, or may be, relevant to the investigation, and
    - (ii) if so, whether it is necessary for the material to be disclosed to the person conducting the investigation.
- (4) In sub-paragraph (3) “intercepted material” means—
- (a) any content of an intercepted communication (within the meaning of section 56), or
  - (b) any secondary data obtained from a communication.
- (5) Any reference in this paragraph to a person appointed as legal adviser to an inquest is a reference to a person appointed as solicitor or counsel to the inquest.

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**Commencement Information**

**I52** Sch. 3 para. 24 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(w\)](#)

**Changes to legislation:** Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 25 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

SCHEDULE 4

Section 70(1)

RELEVANT PUBLIC AUTHORITIES AND DESIGNATED SENIOR OFFICERS ETC.

PART 1

TABLE OF AUTHORITIES AND OFFICERS ETC.

**Commencement Information**

**I53** Sch. 4 Pt. 1 in force at 5.2.2019 by S.I. 2019/174, reg. 2(m)

TABLE

<i>F<sup>8</sup>(1)</i> Relevant public authority	<i>(2)</i> Paragraphs of section 60A(7) specified	<i>(3)</i> DSO: minimum office, rank or position	<i>(4)</i> Type of communications data that may be obtained by DSO	<i>(5)</i> of Paragraphs of section 61(7) specified for DSO	<i>(6)</i> Paragraphs of section 61A(7) specified for DSO
Police force maintained under section 2 of the Police Act 1996	60A(7)(a), (b), (c), (d), (e) and (g)	Inspector	Entity data	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
		Superintendent	All	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
Metropolitan police force	60A(7)(a), (b), (c), (d), (e) and (g)	Inspector	Entity data	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
		Superintendent	All	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
City of London police force	60A(7)(a), (b), (c), (d), (e) and (g)	Inspector	Entity data	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
		Superintendent	All	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
Police Service of Scotland	60A(7)(a), (b), (c), (d), (e) and (g)	Inspector	Entity data	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)
		Superintendent	All	61(7)(a) and (c)	61A(7)(a), (b), (c) and (e)

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<i>[<sup>F8</sup>(1)</i> Relevant public authority	<i>(2)</i> Paragraphs of section 60A(7) specified	<i>(3)</i> DSO: minimum office, rank or position	<i>(4)</i> Type of communication data that may be obtained by DSO	<i>(5)</i> of Paragraphs of section 61(7) specified for DSO	<i>(6)</i> Paragraphs of section 61A(7) specified for DSO
Police Service of Northern Ireland	60A(7)(a), (b), (c), (d), (e) and (g)	Inspector	Entity data	61(7)(a) (c)	and 61A(7)(a), (b), (c) and (e)
		Superintendent	All	61(7)(a) (c)	and 61A(7)(a), (b), (c) and (e)
British Transport Police Force	60A(7)(a), (b), (c), (d), (e) and (g)	Inspector	Entity data	61(7)(a) (c)	and 61A(7)(a), (b), (c) and (e)
		Superintendent	All	61(7)(a) (c)	and 61A(7)(a), (b), (c) and (e)
[ <sup>F9</sup> Civil Nuclear Constabulary	60A(7)(a), (b), (c), and (e)	Inspector	Entity data	61(7)(a) (c)	and 61A(7)(a) and (c)
		Superintendent	All	61(7)(a) (c)	and 61A(7)(a) and (c)]
Ministry of Defence Police	60A(7)(a), (b), (c), and (e)	Inspector	Entity data	61(7)(a) (c)	and 61A(7)(a) and (c)
		Superintendent	All	61(7)(a) (c)	and 61A(7)(a) and (c)
Royal Navy Police	60A(7)(a), (b), (c), and (e)	Lieutenant Commander	Entity data	61(7)(a) (c)	and 61A(7)(a) and (c)
		Commander	All	61(7)(a) (c)	and 61A(7)(a) and (c)
Royal Military Police	60A(7)(a), (b), (c), and (e)	Major	Entity data	61(7)(a) (c)	and 61A(7)(a) and (c)
		Lieutenant Colonel	All	61(7)(a) (c)	and 61A(7)(a) and (c)
Royal Air Force Police	60A(7)(a), (b), (c), and (e)	Squadron Leader	Entity data	61(7)(a) (c)	and 61A(7)(a) and (c)
		Wing Commander	All	61(7)(a) (c)	and 61A(7)(a) and (c)

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<sup>[F8]</sup> (1) Relevant public authority	(2) Paragraphs of section 60A(7) specified	(3) DSO: minimum office, rank or position	(4) Type of communication data that may be obtained by DSO	(5) Paragraphs of section 61(7) specified for DSO	(6) Paragraphs of section 61A(7) specified for DSO
<sup>[F10]</sup> Tri-service serious crime unit	60A(7)(a), (b), (c) and (e)	Lieutenant Commander  Major  Squadron leader  Commander  Lieutenant colonel  Wing commander	Entity data  Entity data  Entity data  All  All  All	61(7)(a) and (c)  61(7)(a) and (c)  61(7)(a) and (c)  61(7)(a) and (c)  61(7)(a) and (c)  61(7)(a) and (c)	61A(7)(a) and (c)  61A(7)(a) and (c)  61A(7)(a) and (c)  61A(7)(a) and (c)  61A(7)(a) and (c)
Security Service	60A(7)(a), (b) and (c)	General Duties 4 or any other level 4 officer  General Duties 3 or any other level 3 officer	Entity data  All	<sup>[F11]</sup> 61(7)(a) and (c)]  <sup>[F11]</sup> 61(7)(a) and (c)]	<sup>[F12]</sup> 61A(7)(a)]  <sup>[F12]</sup> 61A(7)(a)]
Secret Intelligence Service	60A(7)(a), (b) and (c)	Grade 6	All	<sup>[F11]</sup> 61(7)(a) and (c)]	<sup>[F12]</sup> 61A(7)(a)]
GCHQ	60A(7)(a), (b) and (c)	GC8	All	<sup>[F11]</sup> 61(7)(a) and (c)]	<sup>[F12]</sup> 61A(7)(a)]
Ministry of Defence	60A(7)(a) and (b)	Member of the Senior Civil Service or equivalent  Grade 7 in the Fraud Defence Unit	All  All	61(7)(a)	61A(7)(a)
<sup>[F13]</sup> Department of Health and Social Care]	60A(7)(b) and (d)	Grade 7 in the Medicines and Healthcare Products Regulatory Agency	All		61A(7)(a) and (b)

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<i>F<sup>8</sup>(1)</i> Relevant public authority	<i>(2)</i> Paragraphs of section 60A(7) specified	<i>(3)</i> DSO: minimum office, rank or position	<i>(4)</i> Type of communication data that may be obtained by DSO	<i>(5)</i> of Paragraphs of section 61(7) specified for DSO	<i>(6)</i> Paragraphs of section 61A(7) specified for DSO
		Grade 7 in the Anti- Fraud Unit	All		61A(7)(a)
Home Office	60A(7)(b), (d) and (g)	Immigration inspector or equivalent with responsibility for investigations or other functions relating to immigration and border security	All		61A(7)(a)
		Immigration inspector or equivalent with responsibility for anti- corruption in relation to investigations or other functions relating to immigration and border security	All		61A(7)(a)
		Immigration inspector or equivalent with responsibility for asylum fraud investigations	All		61A(7)(a)
		Immigration inspector or equivalent with	All		61A(7)(a), (b) and (e)

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[F8(1) Relevant public authority	(2) Paragraphs of section 60A(7) specified	(3) DSO: minimum office, rank or position	(4) Type of communications data that may be obtained by DSO	(5) of Paragraphs of section 61(7) specified for DSO	(6) Paragraphs of section 61A(7) specified for DSO
		responsibility for security and intelligence in the immigration detention estate			
Ministry Justice	of 60A(7)(b) and (d)	Manager in the [F14Security, Order and Counter- Terrorism Directorate of Her Majesty's Prison and Probation Service] responsible for intelligence	Entity data		61A(7)(a) and (b)
		Senior manager in the [F14Security, Order and Counter- Terrorism Directorate of Her Majesty's Prison and Probation Service] responsible for intelligence	All		61A(7)(a) and (b)
National Crime Agency	60A(7)(b), (e) and (g)	Grade 3	Entity data		61A(7)(a), (c) and (e)
		Grade 2	All		61A(7)(a), (c) and (e)

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<sup>F8</sup> (1) Relevant public authority	(2) Paragraphs of section 60A(7) specified	(3) DSO: minimum office, rank or position	(4) Type of communication data that may be obtained by DSO	(5) of Paragraphs of section 61(7) specified for DSO	(6) Paragraphs of section 61A(7) specified for DSO
Her Majesty's Revenue and Customs	60A(7)(b)	Higher officer	Entity data		61A(7)(a)
		Senior officer	All		61A(7)(a)
Department for Transport	60A(7)(b), (d) and (e)	Enforcement Officer in Maritime and Coastguard Agency	Entity data		61A(7)(a) and (b)
		Head of Enforcement in Maritime and Coastguard Agency	All		61A(7)(a) and (b)
		Maritime Operations Commander (Grade 7) in the Maritime and Coastguard Agency	All		61A(7)(c)
		Principal Inspector in the <sup>F15</sup> Air Accidents] Investigation Branch, the Marine Accident Investigation Branch or the Rail Accident Investigation Branch	All		61A(7)(b)
Department for Work and Pensions	60A(7)(b)	Senior Executive Officer in <sup>F16</sup> the Counter Fraud,	All		61A(7)(a)



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<i>F<sup>8</sup></i> (1) Relevant public authority	(2) Paragraphs of section 60A(7) specified	(3) DSO: minimum office, rank or position	(4) Type of communications data that may be obtained by DSO	(5) of Paragraphs of section 61(7) specified for DSO	(6) Paragraphs of section 61A(7) specified for DSO
		Compliance and Debt Directorate]			
		Senior Executive Officer in the Child Maintenance Group Central Legal Services	All		61A(7)(a)
An ambulance trust in England	60A(7)(e)	Duty Manager of Ambulance Trust Control Rooms	All		61A(7)(c)
Common Services Agency for the Scottish Health Service	60A(7)(b)	Head of Counter Fraud Services	All		61A(7)(a)
Competition and Markets Authority	60A(7)(b)	Member of the Senior Civil Service with responsibility for cartels or criminal enforcement	All		61A(7)(a)
Criminal Cases Review Commission	60A(7)(f)	Investigations Adviser	All		61A(7)(d)
Department for Communities in Northern Ireland	60A(7)(b)	Deputy Principal	All		61A(7)(a)
Department for the Economy in Northern Ireland	60A(7)(b)	Deputy chief inspector in trading standards services	All		61A(7)(a)

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<i>[<sup>F8</sup>(1)</i> Relevant public authority	<i>(2)</i> Paragraphs of section 60A(7) specified	<i>(3)</i> DSO: minimum office, rank or position	<i>(4)</i> Type of communication data that may be obtained by DSO	<i>(5)</i> of Paragraphs of section 61(7) specified for DSO	<i>(6)</i> Paragraphs of section 61A(7) specified for DSO
Department of Justice Northern Ireland	60A(7)(b), (d) and (g)	Governor 4 in the Northern Ireland Prison Service	All		61A(7)(a), (b) and (e)
[ <sup>F17</sup> Environment Agency	60A(7)(b) and (d)	Area Management Team Member or equivalent (Grade 7) or Senior Enforcement Technical Advisor or equivalent (Grade 6)	All		61A(7)(a) and (b)]
Financial Conduct Authority	60A(7)(b)	Head of department in the Enforcement and Market Oversight Division	All		61A(7)(a)
<b>F18</b> ...	<b>F18</b> ...	<b>F18</b> ...	<b>F18</b> ...		<b>F18</b> ...
Food Standards Agency	60A(7)(b)	Grade 6	All		61A(7)(a)
Food Standards Scotland	60A(7)(b)	Head of the Scottish Food Crime and Incidents Unit	All		61A(7)(a)
Gambling Commission	60A(7)(b)	Senior manager	All		61A(7)(a)
Gangmasters and Labour Abuse Authority	60A(7)(b)	Head of operations	All		61A(7)(a)
Health and Safety Executive	60A(7)(b) and (d)	Band inspector	1 All		61A(7)(a) and (b)

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<sup>[F8]</sup> (1) Relevant public authority	(2) Paragraphs of section 60A(7) specified	(3) DSO: minimum office, rank or position	(4) Type of communication data that may be obtained by DSO	(5) of Paragraphs of section 61(7) specified for DSO	(6) Paragraphs of section 61A(7) specified for DSO
Independent Office for Police Conduct	60A(7)(b) and (g)	Director or an equivalent grade	All		61A(7)(a) and (e)
<sup>[F19]</sup> Service Police Complaints Commissioner	60A(7)(b) and (g)	Senior investigating officer	All		61A(7)(a) and (e)]
Information Commissioner	60A(7)(b)	Group manager	Entity data		61A(7)(a)
		<sup>[F20]</sup> Head of department in an investigation or intelligence role]	All		61A(7)(a)
<sup>[F21]</sup> Insolvency Service	60A(7)(b)	Grade 7 in the Investigation and Enforcement Services Directorate – Criminal Investigation Team	All		61A(7)(a)
<sup>[F22]</sup> Foreign, Commonwealth and Development Office]	60A(7)(a)	<sup>[F23]</sup> Grade D6 in the UK National Authority for Counter Eavesdropping]	All	61(7)(a)]	
<sup>[F24]</sup> NHS Counter Fraud Authority]	60A(7)(b)	Senior manager (of pay band 8b) <sup>F25</sup>	All		61A(7)(a)
Northern Ireland Ambulance	60A(7)(e)	... Watch Manager (Control)	All		61A(7)(c)

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<i>[<sup>F8</sup>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
<i>Relevant public authority</i>	<i>Paragraphs of section 60A(7) specified</i>	<i>DSO: minimum office, rank or position</i>	<i>Type of communication data that may be obtained by DSO</i>	<i>of Paragraphs of section 61(7) that be specified for DSO</i>	<i>Paragraphs of section 61A(7) specified for DSO</i>
Service Health and Social Care Trust					
<b>F18</b>	<b>F18</b>	<b>F18</b>	<b>F18</b>		<b>F18</b>
...	...	...	...		...
Northern Ireland Health and Social Care Regional Business Services Organisation	60A(7)(b)	Assistant Director Counter Fraud and Probity Services	All		61A(7)(a)
Office of Communications	60A(7)(b)	Senior associate	All		61A(7)(a)
Office of the Police Ombudsman for Northern Ireland	60A(7)(b)	Senior investigating officer	All		61A(7)(a)
<b>[<sup>F26</sup>Pensions Regulator</b>	60A(7)(b)	Head of Department in an enforcement or intelligence role	All		61A(7)(a)]
Police Investigations and Review Commissioner	60A(7)(b) and (g)	Commissioner or Director of Operations	All		61A(7)(a) and (e)
Scottish Ambulance Service Board	60A(7)(e)	Watch Manager (Control)	All		61A(7)(c)
Scottish Criminal Cases Review Commission	60A(7)(f)	Investigations Adviser	All		61A(7)(d)
Serious Fraud Office	60A(7)(b)	Grade 6	All		61A(7)(a)

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<i>F<sup>8</sup></i> (1) Relevant public authority	(2) Paragraphs of section 60A(7) specified	(3) DSO: minimum office, rank or position	(4) Type of communication data that may be obtained by DSO	(5) of Paragraphs of section 61(7) specified for DSO	(6) Paragraphs of section 61A(7) specified for DSO
Welsh Ambulance Services National Health Service Trust	60A(7)(e)	Watch Manager (Control)	All		61A(7)(c)]

### Textual Amendments

- F8** Sch. 4 Pt. 1 table substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018](#) (S.I. 2018/1123), reg. 1(4)(d)(5), [Sch. 1 para. 26](#) (see S.I. 2019/174, art. 2(c))
- F9** Words in Sch. 4 Pt. 1 table inserted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020](#) (S.I. 2020/1037), regs. 1, [2\(2\)](#)
- F10** Words in Sch. 4 Pt. 1 Table inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by [Armed Forces Act 2021](#) (c. 35), s. 24(1), [Sch. 5 para. 47](#); S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F11** Words in Sch. 4 Pt. 1 table substituted (1.1.2023) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2022](#) (S.I. 2022/1395), regs. 1(1), [2\(2\)\(a\)](#)
- F12** Word in Sch. 4 Pt. 1 table inserted (1.1.2023) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2022](#) (S.I. 2022/1395), regs. 1(1), [2\(2\)\(b\)](#)
- F13** Words in Sch. 4 Pt. 1 table substituted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020](#) (S.I. 2020/1037), regs. 1, [2\(3\)](#)
- F14** Words in Sch. 4 Pt. 1 table substituted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020](#) (S.I. 2020/1037), regs. 1, [2\(4\)](#)
- F15** Words in Sch. 4 Pt. 1 table substituted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020](#) (S.I. 2020/1037), regs. 1, [2\(5\)](#)
- F16** Words in Sch. 4 Pt. 1 table substituted (22.7.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) \(No. 2\) Regulations 2020](#) (S.I. 2020/661), regs. 1, [2\(3\)](#)
- F17** Words in Sch. 4 Pt. 1 table inserted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020](#) (S.I. 2020/1037), regs. 1, [2\(6\)](#)
- F18** Sch. 4 Pt. 1 table entries omitted (22.7.2020) by virtue of [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) \(No. 2\) Regulations 2020](#) (S.I. 2020/661), regs. 1, [2\(2\)](#)
- F19** Words in Sch. 4 Pt. 1 table inserted (1.11.2022 for specified purposes, 19.6.2023 in so far as not already in force) by [Armed Forces Act 2021](#) (c. 35), s. 24(1), [Sch. 4 para. 2\(6\)](#); S.I. 2022/1095, [reg. 3](#); S.I. 2023/621, [reg. 2](#)

**Changes to legislation:** *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 25 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*

- F20** Words in Sch. 4 Pt. 1 table substituted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020 \(S.I. 2020/1037\)](#), regs. 1, **2(7)**
- F21** Words in Sch. 4 Pt. 1 table inserted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020 \(S.I. 2020/1037\)](#), regs. 1, **2(8)**
- F22** Words in Sch. 4 Pt. 1 table substituted (1.1.2023) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2022 \(S.I. 2022/1395\)](#), regs. 1(1), **2(3)(a)**
- F23** Words in Sch. 4 Pt. 1 table substituted (1.1.2023) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2022 \(S.I. 2022/1395\)](#), regs. 1(1), **2(3)(b)**
- F24** Words in Sch. 4 Pt. 1 table substituted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020 \(S.I. 2020/1037\)](#), regs. 1, **2(9)(a)**
- F25** Words in Sch. 4 Pt. 1 table omitted (25.9.2020) by virtue of [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020 \(S.I. 2020/1037\)](#), regs. 1, **2(9)(b)**
- F26** Words in Sch. 4 Pt. 1 table inserted (25.9.2020) by [The Investigatory Powers \(Communications Data\) \(Relevant Public Authorities and Designated Senior Officers\) Regulations 2020 \(S.I. 2020/1037\)](#), regs. 1, **2(10)**

## PART 2

### INTERPRETATION OF TABLE

#### Commencement Information

**I54** Sch. 4 Pt. 2 in force at 5.2.2019 by [S.I. 2019/174](#), reg. **2(m)**

- 1 In the table in Part 1 of this Schedule—
- “ambulance trust in England” means—
- (a) an NHS trust all or most of whose hospitals, establishments and facilities are in England and which provides ambulance services, or
- (b) an NHS foundation trust which provides such services,
- “entity data” means any communications data which is entity data.

## SCHEDULE 5

Section 83(5)

### TRANSFER AND AGENCY ARRANGEMENTS WITH PUBLIC AUTHORITIES: FURTHER PROVISIONS

#### *Particular safeguards in connection with operation of section 69*

- 1 (1) The following provisions apply where the functions of the Secretary of State under section 67 are exercisable by a public authority by virtue of regulations under section 83(1).

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- (2) The measures adopted or arrangements made by the public authority for the purpose of complying with the requirements of section 69 must be such as are approved by the Secretary of State.
- (3) Any report required by section 69(6)(b) or (8) must be made to the Secretary of State as well as to the Investigatory Powers Commissioner.

#### Commencement Information

**I55** Sch. 5 para. 1 in force at 5.2.2019 by S.I. 2019/174, reg. 2(n)

#### *Requirement for public authority to provide reports to Secretary of State*

- 2 (1) A public authority, when exercising functions by virtue of regulations under section 83(1), must at least once in each calendar year make a report to the Secretary of State on—
  - (a) the discharge of the functions, and
  - (b) such other matters as the Secretary of State may by regulations require.
- (2) Regulations under section 83(1) may, in particular, modify sub-paragraph (1) as it has effect in relation to the calendar year in which the regulations come into force or are revoked.
- (3) The Secretary of State may agree to a report under this paragraph being combined with any other report which the public authority concerned is required to, or may, make to the Secretary of State.

#### Commencement Information

**I56** Sch. 5 para. 2 in force at 5.2.2019 by S.I. 2019/174, reg. 2(n)

#### *Transfer schemes in connection with transfer of functions*

- 3 (1) The Secretary of State may, in connection with regulations under section 83(1), make a scheme for the transfer of property, rights or liabilities.
- (2) The things that may be transferred under a transfer scheme include—
  - (a) property, rights and liabilities which could not otherwise be transferred,
  - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (3) A transfer scheme may make consequential, supplementary, incidental, transitional, transitory or saving provision and may, in particular—
  - (a) create rights, or impose liabilities, in relation to property or rights transferred,
  - (b) make provision about the continuing effect of things done by, on behalf of or in relation to the transferor in respect of anything transferred,
  - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in respect of anything transferred,

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- (d) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee,
  - (e) make provision for the shared ownership or use of property,
  - (f) if the TUPE regulations do not apply in relation to the transfer, make provision which is the same or similar.
- (4) A transfer scheme may provide—
- (a) for modification by agreement,
  - (b) for modifications to have effect from the date when the original scheme came into effect.
- (5) A transfer scheme may confer a discretion on the Secretary of State to pay compensation to any person whose interests are adversely affected by the scheme.
- (6) A transfer scheme may be included in regulations under section 83(1) but, if not so included, must be laid before Parliament after being made.
- (7) For the purposes of this paragraph references to rights and liabilities include references to—
- (a) rights and liabilities relating to a contract of employment, and
  - (b) rights and liabilities of the Crown relating to the terms of employment of individuals in the civil service.
- (8) Accordingly, a transfer scheme may, in particular, provide—
- (a) for—
    - (i) an individual employed in the civil service to become an employee of the transferee, or
    - (ii) an employee of the transferor to become an employee of the transferee or an individual employed in the civil service,
  - (b) for—
    - (i) the individual's terms of employment in the civil service to have effect (subject to any necessary modifications) as the terms of the individual's contract of employment with the transferee, or
    - (ii) (as the case may be) the individual's contract of employment to have effect (subject to any necessary modifications) as the terms of the individual's contract of employment with the transferee or, where the transferee is the Secretary of State, the individual's terms of employment with the civil service,
  - (c) for the transfer of rights and liabilities of the Crown or another public authority under or in connection with the individual's terms of employment.
- (9) In this paragraph—
- “civil service” means the civil service of the State,
  - “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246),
- and references to the transfer of property include the grant of a lease.

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**Commencement Information**

**I57** Sch. 5 para. 3 in force at 5.2.2019 by S.I. 2019/174, reg. 2(n)



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*Tax in connection with transfer schemes*

- 4 (1) The Treasury may by regulations make provision varying the way in which a relevant tax has effect in relation to—
- (a) anything transferred under a transfer scheme, or
  - (b) anything done for the purposes of, or in relation to, a transfer under a transfer scheme.
- (2) The provision which may be made under sub-paragraph (1)(a) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred,
  - (b) anything transferred to be treated in a specified way for the purposes of a tax provision,
  - (c) the Secretary of State to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything transferred.
- (3) The provision which may be made under sub-paragraph (1)(b) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, the transfer,
  - (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way,
  - (c) the Secretary of State to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.
- (4) In this paragraph—
- “relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty reserve tax or stamp duty land tax,
  - “tax provision” means any provision—
    - (a) about a relevant tax, and
    - (b) made by an enactment,
  - “transfer scheme” means a transfer scheme under paragraph 3,
- and references to the transfer of property include the grant of a lease.

**Commencement Information**

**I58** Sch. 5 para. 4 in force at 5.2.2019 by S.I. 2019/174, reg. 2(n)

*Supplementary and other general provision*

- 5 The power to make regulations under section 83(1) includes, in particular, power to—
- (a) modify any enactment about a public authority for the purpose of enabling or otherwise facilitating any function under sections 67 to 69 to be exercisable by the public authority,
  - (b) impose requirements or confer other functions on a public authority in connection with functions transferred by the regulations.

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**Commencement Information**

**I59** Sch. 5 para. 5 in force at 5.2.2019 by S.I. 2019/174, reg. 2(n)

- 6 The power to make regulations under—
- (a) section 83, or
  - (b) paragraph 4 above,
- including that power as extended (whether by section 267(1) or otherwise) may, in particular, be exercised by modifying any enactment (including this Act).

**Commencement Information**

**I60** Sch. 5 para. 6 in force at 5.2.2019 by S.I. 2019/174, reg. 2(n)

SCHEDULE 6

Section 106

ISSUE OF WARRANTS UNDER SECTION 106 ETC: TABLE

**PART 1**

TABLE: PART 1

**Commencement Information**

**I61** Sch. 6 Pt. 1 in force at 28.11.2018 by S.I. 2018/1246, reg. 2(h)

<i>Law enforcement chiefs</i>	<i>Appropriate delegates</i>	<i>Appropriate law enforcement officers</i>
The Chief Constable of a police force maintained under section 2 of the Police Act 1996.	The person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996.  The person holding the rank of assistant chief constable designated to act under section 12A(2) of that Act.  If it is not reasonably practicable for either of those persons to act, any other person holding the rank of assistant chief constable in the force.	A member of the police force, a member of a collaborative force or a National Crime Agency officer who is included in a collaboration agreement with the police force.

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The Commissioner, or an Assistant Commissioner, of the metropolitan police force.	A person holding the rank of commander in the metropolitan police force.	A member of the metropolitan police force, a member of a collaborative force or a National Crime Agency officer who is included in a collaboration agreement with the metropolitan police force.
The Commissioner of Police for the City of London.	The person authorised to act under section 25 of the City of London Police Act 1839 or, if it is not reasonably practicable for that person to act, a person holding the rank of commander in the City of London police force.	A member of the City of London police force, a member of a collaborative force or a National Crime Agency officer who is included in a collaboration agreement with the City of London police force.
The chief constable of the Police Service of Scotland.	Any deputy chief constable or assistant chief constable of the Police Service of Scotland who is designated for the purpose by the chief constable.	A constable of the Police Service of Scotland.
The Chief Constable or a Deputy Chief Constable of the Police Service of Northern Ireland.	A person holding the rank of assistant chief constable in the Police Service of Northern Ireland.	A member of the Police Service of Northern Ireland.
The Director General of the National Crime Agency.	A senior National Crime Agency Officer designated for the purpose by the Director General of the National Crime Agency.	A National Crime Agency officer or a member of a collaborative police force.
The Chief Constable of the British Transport Police Force.	A person holding the rank of deputy or assistant chief constable in the British Transport Police Force.	A member of the British Transport Police Force.
The Chief Constable of the Ministry of Defence Police.	A person holding the rank of deputy chief constable or assistant chief constable in the Ministry of Defence Police.	A member of the Ministry of Defence Police.
The Provost Marshal of the Royal Navy Police.	A person holding the position of deputy Provost Marshal in the Royal Navy Police.	A member of the Royal Navy Police.
The Provost Marshal of the Royal Military Police.	A person holding the position of deputy Provost Marshal in the Royal Military Police.	A member of the Royal Military Police.
The Provost Marshal of the Royal Air Force Police.	A person holding the position of deputy Provost Marshal in the Royal Air Force Police.	A member of the Royal Air Force Police.

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[<sup>F27</sup>The Provost Marshal for serious crime. A person holding the position of deputy Provost Marshal in the tri-service serious crime unit. A member of the tri-service serious crime unit.]

#### Textual Amendments

**F27** Words in Sch. 6 Pt. 1 Table inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), Sch. 5 para. 48; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4

## PART 2

### TABLE: PART 2

#### Commencement Information

**I62** Sch. 6 Pt. 2 in force at 28.11.2018 by S.I. 2018/1246, reg. 2(h)

<i>Law enforcement chiefs</i>	<i>Appropriate delegates</i>	<i>Appropriate law enforcement officers</i>
An immigration officer who is a senior official and who is designated for the purpose by the Secretary of State.	A senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purpose by the Secretary of State.	An immigration officer.
An officer of Revenue and Customs who is a senior official and who is designated for the purpose by the Commissioners for Her Majesty's Revenue and Customs.	An officer of Revenue and Customs who is a senior official and who is designated for the purpose by the Commissioners for Her Majesty's Revenue and Customs.	An officer of Revenue and Customs.
A designated customs official who is a senior official and who is designated for the purpose by the Secretary of State.	A designated customs official who is a senior official and who is designated for the purpose by the Secretary of State.	A designated customs official.
The Chair of the Competition and Markets Authority.	An officer of the Competition and Markets Authority designated by it for the purpose.	An officer of the Competition and Markets Authority.

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[<sup>F28</sup>The Director General of the Independent Office for Police Conduct. A person falling within paragraph 6A(2) of Schedule 2 to the Police Reform Act 2002 who is designated by the Director General for the purpose.] A person designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002 to take charge of, or to assist with, the investigation to which the warrant under section 106(1) relates (or would relate if issued).

[<sup>F29</sup>The Service Police Complaints Commissioner. A member of the Service Police Commissioner's staff is designated by the Commissioner for the purpose. An investigating officer appointed under section 365BB]

The Police Investigations and Review Commissioner. A staff officer of the Police Investigations and Review Commissioner is designated by the Commissioner for the purpose. A staff officer of the Police Investigations and Review Commissioner.

#### Textual Amendments

- F28** Words in Sch. 6 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 74(7)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F29** Words in Sch. 6 Pt. 2 inserted (1.11.2022 for specified purposes, 19.6.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 4 para. 2(7)**; S.I. 2022/1095, reg. 3; S.I. 2023/621, reg. 2

### PART 3

#### INTERPRETATION OF THE TABLE

#### Commencement Information

- I63** Sch. 6 Pt. 3 in force at 28.11.2018 by S.I. 2018/1246, reg. 2(h)

- 1 (1) This paragraph applies for the purposes of the first three entries in Part 1 of the table.
- (2) A police force (police force 1) is a collaborative force in relation to another police force (police force 2) if—
- (a) the chief officers of both police forces are parties to the same agreement under section 22A of the Police Act 1996, and
  - (b) the members of police force 1 are permitted by the terms of the agreement to make applications under section 106 to the chief officer of police force 2.
- (3) A National Crime Agency officer is included in a collaboration agreement with a police force if—

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- (a) the Director General of the National Crime Agency and the chief officer of the police force are parties to the same agreement under section 22A of the Police Act 1996, and
  - (b) the National Crime Agency officer is permitted by the terms of the agreement to make applications under section 106 to the chief officer of the police force.
- 2 (1) This paragraph applies for the purposes of the sixth entry in Part 1 of the table (which relates to the National Crime Agency).
- (2) A police force is a collaborative police force in relation to the National Crime Agency if—
- (a) the chief officer of the police force and the Director General of the National Crime Agency are parties to the same agreement under section 22A of the Police Act 1996, and
  - (b) the members of the police force are permitted by the terms of the agreement to make applications under section 106 to the Director General of the National Crime Agency.
- 3 For the purpose of the sixth entry in Part 2 of the table, the reference to a staff officer of the Police Investigations and Review Commissioner is a reference to any person who—
- (a) is a member of the Commissioner's staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), or
  - (b) is a member of the Commissioner's staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies.
- 4 In this Schedule, “police force” means—
- (a) any police force maintained under section 2 of the Police Act 1996;
  - (b) the metropolitan police force;
  - (c) the City of London police force.

## SCHEDULE 7

Section 241

## CODES OF PRACTICE

*Scope of codes*

- 1 (1) The Secretary of State must issue one or more codes of practice about the exercise of functions conferred by virtue of this Act.
- (2) Sub-paragraph (1) does not apply in relation to—
- (a) any functions conferred by virtue of this Act on—
    - (i) the Investigatory Powers Commissioner or any other Judicial Commissioner,
    - (ii) the Information Commissioner,
    - (iii) the Investigatory Powers Tribunal,
    - (iv) any other court or tribunal,
    - (v) the Technical Advisory Board, or
    - (vi) the Technology Advisory Panel,

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- (b) any function to make subordinate legislation which is conferred by virtue of this Act on the Secretary of State or the Treasury.
- (3) A code may, in particular, contain provision about the training of people who may exercise functions in relation to which sub-paragraph (1) applies.

**Commencement Information**

**I64** Sch. 7 para. 1 in force at 13.2.2017 by S.I. 2017/137, reg. 2(t)

- 2 (1) Each code must include—
  - (a) provision designed to protect the public interest in the confidentiality of sources of journalistic information, and
  - (b) provision about particular considerations applicable to any data which relates to a member of a profession which routinely holds items subject to legal privilege or relevant confidential information.
- (2) A code about the exercise of functions conferred by virtue of Part 2, Part 5 or Chapter 1 or 3 of Part 6 must also contain provision about when circumstances are to be regarded as “exceptional and compelling circumstances” for the purposes of any provision of that Part or Chapter that restricts the exercise of functions in relation to items subject to legal privilege by reference to the existence of such circumstances.
- (3) The Investigatory Powers Commissioner must keep under review any provision included in a code by virtue of sub-paragraph (2).
- (4) In this paragraph—
  - “relevant confidential information” means information which is held in confidence by a member of a profession and consists of—
    - (a) personal records or journalistic material which are (or would be if held in England and Wales) excluded material as defined by section 11 of the Police and Criminal Evidence Act 1984, or
    - (b) communications between Members of Parliament and their constituents,and the references in this paragraph to a member of a profession include references to any person acting in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office.

**Commencement Information**

**I65** Sch. 7 para. 2 in force at 13.2.2017 by S.I. 2017/137, reg. 2(t)

- 3 (1) A code about the exercise of functions conferred by virtue of Part 3 must contain provision about communications data held by public authorities by virtue of that Part.
- (2) Such provision must, in particular, include provision about—
  - (a) why, how and where the data is held,
  - (b) who may access the data on behalf of the authority,
  - (c) to whom, and under what conditions, the data may be disclosed,
  - (d) the processing of the data for purposes otherwise than in connection with the purposes for which it was obtained or retained,
  - (e) the processing of the data together with other data,

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- (f) the processes for determining how long the data should be held and for the destruction of the data.

#### Commencement Information

**I66** Sch. 7 para. 3 in force at 13.2.2017 by S.I. 2017/137, reg. 2(t)

#### *Procedural requirements*

- 4 (1) Before issuing a code the Secretary of State must—
- (a) prepare and publish a draft of the code, and
  - (b) consider any representations made about it, and may modify the draft.
- (2) The Secretary of State must, in particular, consult the Investigatory Powers Commissioner and, in the case of a code relating to the exercise of functions conferred by virtue of Part 4, the Information Commissioner.
- (3) A code comes into force in accordance with regulations made by the Secretary of State.
- (4) A statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) When a draft instrument is laid, the code to which it relates must also be laid.
- (6) No draft instrument may be laid until the consultation required by sub-paragraphs (1) and (2) has taken place.

#### Commencement Information

**I67** Sch. 7 para. 4 in force at 13.2.2017 by S.I. 2017/137, reg. 2(t)

#### *Revision of codes*

- 5 (1) The Secretary of State may from time to time revise the whole or part of a code.
- (2) Before issuing any revision of a code the Secretary of State must—
- (a) prepare and publish a draft, and
  - (b) consider any representations made about it, and may modify the draft.
- (3) The Secretary of State must, in particular, consult the Investigatory Powers Commissioner and, in the case of a code relating to the exercise of functions conferred by virtue of Part 4, the Information Commissioner.
- (4) A revision of a code comes into force in accordance with regulations made by the Secretary of State.
- (5) A statutory instrument containing such regulations must be laid before Parliament if the regulations have been made without a draft having been laid before, and approved by a resolution of, each House of Parliament.



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- (6) When an instrument or draft instrument is laid, the revision of a code to which it relates must also be laid.
- (7) No instrument or draft instrument may be laid until the consultation required by subparagraphs (2) and (3) has taken place.

**Commencement Information**

**I68** Sch. 7 para. 5 in force at 13.2.2017 by S.I. 2017/137, reg. 2(t)

*Effect of codes*

- 6 (1) A person must have regard to a code when exercising any functions to which the code relates.
- (2) A failure on the part of a person to comply with any provision of a code does not of itself make that person liable to criminal or civil proceedings.
- (3) A code is admissible in evidence in any such proceedings.
- (4) A court or tribunal may, in particular, take into account a failure by a person to have regard to a code in determining a question in any such proceedings.
- (5) A supervisory authority exercising functions by virtue of this Act may take into account a failure by a person to have regard to a code in determining a question which arises in connection with the exercise of those functions.
- (6) In this paragraph “supervisory authority” means—
  - (a) the Investigatory Powers Commissioner or any other Judicial Commissioner,
  - (b) the Information Commissioner, or
  - (c) the Investigatory Powers Tribunal.

**Commencement Information**

**I69** Sch. 7 para. 6 in force at 13.2.2017 by S.I. 2017/137, reg. 2(t)

SCHEDULE 8

Section 248

COMBINATION OF WARRANTS AND AUTHORISATIONS

**PART 1**

COMBINATIONS WITH TARGETED INTERCEPTION WARRANTS

*Warrants that may be issued by Secretary of State*

- 1 The Secretary of State may, on an application made by or on behalf of the head of an intelligence service, issue a warrant that combines a targeted interception warrant

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which the Secretary of State has power to issue under section 19(1) with one or more of the following—

- (a) a targeted examination warrant which the Secretary of State has power to issue under section 19(2);
- (b) a targeted equipment interference warrant which the Secretary of State has power to issue under section 102(1);
- (c) a targeted examination warrant which the Secretary of State has power to issue under section 102(3);
- (d) a warrant which the Secretary of State has power to issue under section 5 of the Intelligence Services Act 1994 (warrants for entry or interference with property or wireless telegraphy);
- (e) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
- (f) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).

#### Commencement Information

**I70** Sch. 8 para. 1 in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(i)

**I71** Sch. 8 para. 1 in force at 6.7.2018 in so far as not already in force by S.I. 2018/817, reg. 2

2 The Secretary of State may, on an application made by or on behalf of the Chief of Defence Intelligence, issue a warrant that combines a targeted interception warrant which the Secretary of State has power to issue under section 19(1) with one or more of the following—

- (a) a targeted equipment interference warrant which the Secretary of State has power to issue under section 104;
- (b) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
- (c) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).

#### Commencement Information

**I72** Sch. 8 para. 2 in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(i)

**I73** Sch. 8 para. 2 in force at 6.7.2018 in so far as not already in force by S.I. 2018/817, reg. 2

3 (1) The Secretary of State may, on an application made by or on behalf of a relevant intercepting authority, issue a warrant that combines a targeted interception warrant which the Secretary of State has power to issue under section 19(1) with one or more of the following—

- (a) a targeted equipment interference warrant which a law enforcement chief has power to issue under section 106;
- (b) an authorisation under section 93 of the Police Act 1997 (authorisations to interfere with property);
- (c) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
- (d) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).

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(2) For the purposes of sub-paragraph (1), each of the following is a “relevant intercepting authority”—

- (a) the Director General of the National Crime Agency;
- (b) the Commissioner of Police of the Metropolis;
- (c) the Chief Constable of the Police Service of Northern Ireland;
- (d) the chief constable of the Police Service of Scotland;
- (e) the Commissioners for Her Majesty's Revenue and Customs.

#### Commencement Information

**I74** Sch. 8 para. 3 in force at 30.8.2018 for specified purposes by S.I. 2018/940, reg. 2(1)(f) (with reg. 2(2))

**I75** Sch. 8 para. 3 in force at 26.9.2018 in so far as not already in force by S.I. 2018/940, reg. 3(g)(i)

#### *Warrants that may be issued by Scottish Ministers*

4 The Scottish Ministers may, on an application made by or on behalf of the head of an intelligence service, issue a warrant that combines a targeted interception warrant which the Scottish Ministers have power to issue under section 21(1) with one or more of the following—

- (a) a targeted examination warrant which the Scottish Ministers have power to issue under section 21(2);
- (b) a targeted equipment interference warrant which the Scottish Ministers have power to issue under section 103(1);
- (c) a targeted examination warrant which the Scottish Ministers have power to issue under section 103(2);
- (d) a warrant which the Scottish Ministers have power to issue under section 5 of the Intelligence Services Act 1994 (warrants for entry or interference with property or wireless telegraphy).

#### Commencement Information

**I76** Sch. 8 para. 4 in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(i)

**I77** Sch. 8 para. 4 in force at 6.7.2018 in so far as not already in force by S.I. 2018/817, reg. 2

5 The Scottish Ministers may, on an application made by or on behalf of the chief constable of the Police Service of Scotland, issue a warrant that combines a targeted interception warrant which the Scottish Ministers have power to issue under section 21(1) with one or more of the following—

- (a) a targeted equipment interference warrant which a law enforcement chief has power to issue under section 106;
- (b) an authorisation under section 93 of the Police Act 1997 (authorisations to interfere with property);
- (c) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
- (d) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).

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#### Commencement Information

- I78** Sch. 8 para. 5 in force at 30.8.2018 for specified purposes by S.I. 2018/940, reg. 2(1)(f) (with reg. 2(2))  
**I79** Sch. 8 para. 5 in force at 26.9.2018 in so far as not already in force by S.I. 2018/940, reg. 3(g)(i)

- 6 The Scottish Ministers may, on an application made by or on behalf of the chief constable of the Police Service of Scotland, issue a warrant that combines a targeted interception warrant which the Scottish Ministers have power to issue under section 21(1) with one or more of the following—
- (a) a targeted equipment interference warrant which a law enforcement chief has power to issue under section 106;
  - (b) an authorisation under section 93 of the Police Act 1997 (authorisations to interfere with property);
  - (c) an authorisation under section 6 of the Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11) (authorisation of directed surveillance);
  - (d) an authorisation under section 10 of that Act (authorisation of intrusive surveillance).

#### Commencement Information

- I80** Sch. 8 para. 6 in force at 30.8.2018 for specified purposes by S.I. 2018/940, reg. 2(1)(f) (with reg. 2(2))  
**I81** Sch. 8 para. 6 in force at 26.9.2018 in so far as not already in force by S.I. 2018/940, reg. 3(g)(i)

- 7 (1) The Scottish Ministers may, on an application made by or on behalf of a relevant intercepting authority, issue a warrant that combines a targeted interception warrant which the Scottish Ministers have power to issue under section 21(1) with one or more of the following—
- (a) a targeted equipment interference warrant which a law enforcement chief has power to issue under section 106;
  - (b) an authorisation under section 93 of the Police Act 1997 (authorisations to interfere with property).
- (2) For the purposes of sub-paragraph (1), each of the following is a “relevant intercepting authority”—
- (a) the Director General of the National Crime Agency;
  - (b) the Commissioner of Police of the Metropolis;
  - (c) the Chief Constable of the Police Service of Northern Ireland;
  - (d) the Commissioners for Her Majesty's Revenue and Customs.

#### Commencement Information

- I82** Sch. 8 para. 7 in force at 30.8.2018 for specified purposes by S.I. 2018/940, reg. 2(1)(f) (with reg. 2(2))  
**I83** Sch. 8 para. 7 in force at 26.9.2018 in so far as not already in force by S.I. 2018/940, reg. 3(g)(i)

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## PART 2

### OTHER COMBINATIONS INVOLVING TARGETED EQUIPMENT INTERFERENCE WARRANTS

#### *Warrants that may be issued by Secretary of State*

- 8 The Secretary of State may, on an application made by or on behalf of the head of an intelligence service, issue a warrant that combines a targeted equipment interference warrant which the Secretary of State has power to issue under section 102(1) with one or more of the following—
- (a) a targeted examination warrant which the Secretary of State has power to issue under section 102(3);
  - (b) a targeted examination warrant which the Secretary of State has power to issue under section 19(2);
  - (c) a warrant which the Secretary of State has power to issue under section 5 of the Intelligence Services Act 1994 (warrants for entry or interference with property or wireless telegraphy);
  - (d) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
  - (e) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).

#### **Commencement Information**

**184** Sch. 8 para. 8 in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(i)

**185** Sch. 8 para. 8 in force at 6.7.2018 in so far as not already in force by S.I. 2018/817, reg. 2

- 9 The Secretary of State may, on an application made by or on behalf of the Chief of Defence Intelligence, issue a warrant that combines a targeted equipment interference warrant which the Secretary of State has power to issue under section 104 with one or more of the following—
- (a) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
  - (b) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).

#### **Commencement Information**

**186** Sch. 8 para. 9 in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(i)

**187** Sch. 8 para. 9 in force at 6.7.2018 in so far as not already in force by S.I. 2018/817, reg. 2

#### *Warrants that may be issued by Scottish Ministers*

- 10 The Scottish Ministers may, on an application made by or on behalf of the head of an intelligence service, issue a warrant that combines a targeted equipment interference warrant which the Scottish Ministers have power to issue under section 103(1) with one or more of the following—
- (a) a targeted examination warrant which the Scottish Ministers have power to issue under section 103(2);

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- (b) a targeted examination warrant which the Scottish Ministers have power to issue under section 21(2);
- (c) a warrant which the Scottish Ministers have power to issue under section 5 of the Intelligence Services Act 1994 (warrants for entry or interference with property or wireless telegraphy).

**Commencement Information**

**I88** Sch. 8 para. 10 in force at 31.5.2018 for specified purposes by [S.I. 2018/652](#), [reg. 6\(b\)\(i\)](#)

**I89** Sch. 8 para. 10 in force at 6.7.2018 in so far as not already in force by [S.I. 2018/817](#), [reg. 2](#)

*Warrants that may be issued by other persons*

- 11 (1) A law enforcement chief may, on an application made by a person who is an appropriate law enforcement officer in relation to the chief, issue a warrant that combines a targeted equipment interference warrant which the law enforcement chief has power to issue under section 106 with one or more of the following—
- (a) an authorisation under section 93 of the Police Act 1997 (authorisations to interfere with property);
  - (b) an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance);
  - (c) an authorisation under section 32 of that Act (authorisation of intrusive surveillance).
- (2) For the purposes of this paragraph, references to a “law enforcement chief” and an “appropriate law enforcement officer” are to be read in accordance with section 106(5).

**Commencement Information**

**I90** Sch. 8 para. 11 in force at 28.11.2018 for specified purposes by [S.I. 2018/1246](#), [reg. 2\(i\)](#)

**I91** Sch. 8 para. 11 in force at 5.12.2018 in so far as not already in force by [S.I. 2018/1246](#), [reg. 3\(k\)](#)

- 12 (1) A law enforcement chief within sub-paragraph (2) may, on an application made by a person who is an appropriate law enforcement officer in relation to the chief, issue a warrant that combines a targeted equipment interference warrant which the law enforcement chief has power to issue under section 106 with one or more of the following—
- (a) an authorisation under section 93 of the Police Act 1997 (authorisations to interfere with property);
  - (b) an authorisation under section 6 of the Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11) (authorisation of directed surveillance);
  - (c) an authorisation under section 10 of that Act (authorisation of intrusive surveillance).
- (2) The law enforcement chiefs mentioned in sub-paragraph (1) are—
- (a) the chief constable of the Police Service of Scotland, and
  - (b) the Police Investigations and Review Commissioner.

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- (3) For the purposes of this paragraph, references to a “law enforcement chief” and an “appropriate law enforcement officer” are to be read in accordance with section 106(5).

**Commencement Information**

- I92** Sch. 8 para. 12 in force at 28.11.2018 for specified purposes by [S.I. 2018/1246, reg. 2\(i\)](#)  
**I93** Sch. 8 para. 12 in force at 5.12.2018 in so far as not already in force by [S.I. 2018/1246, reg. 3\(k\)](#)

**PART 3**

COMBINATIONS INVOLVING TARGETED EXAMINATION WARRANTS ONLY

- 13 The Secretary of State may, on an application made by or on behalf of the head of an intelligence service, issue a warrant that combines—
- (a) a targeted examination warrant which the Secretary of State has power to issue under section 19(2), with
  - (b) a targeted examination warrant which the Secretary of State has power to issue under section 102(3).

**Commencement Information**

- I94** Sch. 8 para. 13 in force at 31.5.2018 for specified purposes by [S.I. 2018/652, reg. 6\(b\)\(i\)](#)  
**I95** Sch. 8 para. 13 in force at 6.7.2018 in so far as not already in force by [S.I. 2018/817, reg. 2](#)

- 14 The Scottish Ministers may, on an application made by or on behalf of the head of an intelligence service, issue a warrant that combines—
- (a) a targeted examination warrant which the Scottish Ministers have power to issue under section 21(2), with
  - (b) a targeted examination warrant which the Scottish Ministers have power to issue under section 103(2).

**Commencement Information**

- I96** Sch. 8 para. 14 in force at 31.5.2018 for specified purposes by [S.I. 2018/652, reg. 6\(b\)\(i\)](#)  
**I97** Sch. 8 para. 14 in force at 6.7.2018 in so far as not already in force by [S.I. 2018/817, reg. 2](#)

**PART 4**

COMBINED WARRANTS: SUPPLEMENTARY PROVISION

*Introductory*

- 15 In this Part of this Schedule “combined warrant” means a warrant issued under any of Parts 1 to 3 of this Schedule.

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**Commencement Information**

**I98** Sch. 8 para. 15 in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(ii)

*General*

- 16 (1) Where Part 1, 2 or 3 of this Schedule provides for a person to have power, on an application made by or on behalf of any person (“the applicant”), to issue a combined warrant that includes any warrant or other authorisation, the person may issue a combined warrant containing that warrant or authorisation, whether or not that person would have power, on an application made by or on behalf of the applicant, to issue that warrant, or to give that authorisation, as a single instrument.
- (2) Where Part 1, 2 or 3 of this Schedule provides for a person to have power to apply for a combined warrant, the person may apply for a combined warrant containing any warrant or other authorisation that may be included in it, provided that—
- (a) the person could apply for that warrant or authorisation as a single instrument, or
  - (b) the organisation on whose behalf the person is acting, or another person who is a member of staff or an officer of the organisation or who is otherwise acting on its behalf, could apply for that warrant or authorisation as a single instrument.

**Commencement Information**

**I99** Sch. 8 para. 16(1) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(aa)(iii)  
**I100** Sch. 8 para. 16(1) in force at 27.6.2018 in so far as not already in force by S.I. 2018/652, reg. 12(e)(i)  
**I101** Sch. 8 para. 16(2) in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(bb)(iii)

- 17 (1) A combined warrant must be addressed to the person by whom, or on whose behalf, the application for the combined warrant was made.
- (2) Any reference in this Act to the person to whom a warrant is or was addressed is to be read, in the case of a combined warrant containing such a warrant, as a reference to the person to whom the combined warrant is or was addressed.

**Commencement Information**

**I102** Sch. 8 para. 17 in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(iv)

- 18 A combined warrant must contain a provision stating which warrants or other authorisations are included in the combined warrant.

**Commencement Information**

**I103** Sch. 8 para. 18 in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(iv)

- 19 Any reference in any enactment to a warrant or other authorisation of a particular description issued or given under any enactment includes, in the case of a combined warrant containing a warrant or authorisation of that description, a reference to so much of the combined warrant as consists of such a warrant or authorisation.



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This is subject to any provision made by or under the following provisions of this Schedule.

**Commencement Information**

**I104** Sch. 8 para. 19 in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(iv)

*Rules about issue etc. applying separately in relation to each part of a combined warrant*

- 20 (1) The law about the following matters, so far as relating to a warrant or other authorisation that may be included in a combined warrant, applies in relation to so much of a combined warrant as consists of such a warrant or authorisation—
- (a) the duties imposed by section 2 (general duties in relation to privacy);
  - (b) any conditions that must be met before such a warrant or authorisation may be issued or given;
  - (c) the grounds on which such a warrant or authorisation may be issued or given;
  - (d) the conduct that may be authorised by such a warrant or authorisation;
  - (e) any requirements as to what must be included in such a warrant or authorisation;
  - (f) any conditions that must be met before such a warrant or authorisation may be renewed and the grounds on which it may be renewed;
  - (g) any conditions that must be met before such a warrant or authorisation may be modified;
  - (h) the grounds on which such a warrant or authorisation may be modified and the procedural rules that apply to such a modification;
  - (i) the circumstances in which such a warrant or authorisation may or must be cancelled.
- (2) In sub-paragraph (1)(h) “procedural rules”, in relation to the modification of a warrant or other authorisation, means the law about any of the following matters—
- (a) the involvement of Judicial Commissioners in decisions;
  - (b) the delegation of decisions;
  - (c) the signing of instruments making a modification;
  - (d) urgent cases.
- (3) Sub-paragraph (1) is subject to paragraphs 21 to 26.

**Commencement Information**

**I105** Sch. 8 para. 20(1) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(v)(aa)  
**I106** Sch. 8 para. 20(1)(2) in force at 27.6.2018 in so far as not already in force by S.I. 2018/652, reg. 12(e)(ii)  
**I107** Sch. 8 para. 20(2) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(v)(bb)  
**I108** Sch. 8 para. 20(3) in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(v)(cc)

*Rules about issue etc. applying in relation to combined warrants*

- 21 (1) A combined warrant under Part 1 of this Schedule addressed to any person may only be issued, renewed or cancelled in accordance with the procedural rules that

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would apply to the issue, renewal or cancellation of a targeted interception warrant addressed to that person (see Chapter 1 of Part 2 of this Act).

- (2) In sub-paragraph (1) “procedural rules”, in relation to a warrant, means the law about any of the following matters—
- (a) the involvement of Judicial Commissioners in decisions;
  - (b) the delegation of decisions;
  - (c) the signing of warrants;
  - (d) urgent cases.
- (3) But if a combined warrant under paragraph 1 or 4 includes a warrant which the person issuing the combined warrant has power to issue under section 5 of the Intelligence Services Act 1994 (a “section 5 warrant”), any requirement (arising from sub-paragraph (1) above) for the involvement of Judicial Commissioners in the decision whether to issue or renew the combined warrant does not apply in relation to the part of the combined warrant consisting of the section 5 warrant.

#### Commencement Information

- I109** Sch. 8 para. 21(1) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(aa)(vi)  
**I110** Sch. 8 para. 21(1)(2) in force at 27.6.2018 in so far as not already in force by S.I. 2018/652, reg. 12(e)(ii)  
**I111** Sch. 8 para. 21(2) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(bb)(vi)  
**I112** Sch. 8 para. 21(3) in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(cc)(vi)

- 22 (1) A combined warrant under Part 2 of this Schedule addressed to any person may only be issued, renewed or cancelled in accordance with the procedural rules that would apply to the issue, renewal or cancellation of a targeted equipment interference warrant addressed to that person (see Part 5 of this Act).
- (2) In sub-paragraph (1) “procedural rules” has the same meaning as in paragraph 21(1).
- (3) But if a combined warrant under paragraph 8 or 10 includes a warrant which the person issuing the combined warrant has power to issue under section 5 of the Intelligence Services Act 1994 (a “section 5 warrant”), any requirement (arising from sub-paragraph (1) above) for the involvement of Judicial Commissioners in the decision whether to issue or renew the combined warrant does not apply in relation to the part of the combined warrant consisting of the section 5 warrant.

#### Commencement Information

- I113** Sch. 8 para. 22(1) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(vii)(aa)  
**I114** Sch. 8 para. 22(1) in force at 27.6.2018 in so far as not already in force by S.I. 2018/652, reg. 12(e)(ii)  
**I115** Sch. 8 para. 22(2)(3) in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(vii)(bb)

- 23 (1) A combined warrant under Part 3 of this Schedule addressed to any person may only be issued, renewed or cancelled in accordance with the procedural rules that would apply to the issue, renewal or cancellation of a targeted examination warrant under section 19(2) addressed to that person (see Chapter 1 of Part 2 of this Act).
- (2) In sub-paragraph (1) “procedural rules” has the same meaning as in paragraph 21(1).

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**Commencement Information**

- I116** Sch. 8 para. 23(1) in force at 31.5.2018 for specified purposes by S.I. 2018/652, reg. 6(b)(viii)(aa)  
**I117** Sch. 8 para. 23(1) in force at 27.6.2018 in so far as not already in force by S.I. 2018/652, reg. 12(e)(ii)  
**I118** Sch. 8 para. 23(2) in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(viii)(bb)

- 24 (1) In consequence of paragraphs 21 and 22, the following provisions of the Police Act 1997 do not apply in relation to an authorisation under section 93 of that Act which is included in a combined warrant—
- (a) section 96 (notification of authorisations to Judicial Commissioner);
  - (b) section 97 (authorisations requiring approval);
  - (c) section 103(1), (2) and (4) (power to quash or cancel authorisations);
  - (d) section 104 (appeals to Investigatory Powers Commissioner).
- (2) Section 103(6) of that Act applies where a combined warrant containing an authorisation under section 93 of that Act is cancelled as it applies where such an authorisation is cancelled under section 103(4) of that Act.

**Commencement Information**

- I119** Sch. 8 para. 24 in force at 26.9.2018 by S.I. 2018/940, reg. 3(g)(ii)

- 25 In consequence of paragraphs 21 and 22, the following provisions of the Regulation of Investigatory Powers Act 2000 do not apply in relation to an authorisation under section 32 of that Act which is included in a combined warrant—
- (a) section 35 (notification of authorisations to Judicial Commissioner);
  - (b) section 36 (approval required for authorisations to take effect);
  - (c) section 37(2) to (4) (power to quash or cancel authorisations);
  - (d) section 38 (appeals to Investigatory Powers Commissioner).

**Commencement Information**

- I120** Sch. 8 para. 25 in force at 27.6.2018 by S.I. 2018/652, reg. 12(e)(iii)

- 26 In consequence of paragraphs 21 and 22, the following provisions of the Regulation of Investigatory Powers (Scotland) Act 2000 do not apply in relation to an authorisation under section 10 of that Act which is included in a combined warrant—
- (a) section 13 (notification of authorisations to Judicial Commissioner);
  - (b) section 14 (approval required for authorisations to take effect);
  - (c) section 15(1) to (3) (power to quash or cancel authorisations);
  - (d) section 16 (appeals to Investigatory Powers Commissioner).

**Commencement Information**

- I121** Sch. 8 para. 26 in force at 26.9.2018 by S.I. 2018/940, reg. 3(g)(ii)

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*Modification of rules as to duration*

- 27 (1) Where a combined warrant includes warrants or authorisations which (as single instruments) would cease to have effect at the end of different periods, the combined warrant is to cease to have effect at the end of the shortest of the periods (unless renewed).
- (2) But sub-paragraph (1) does not apply to a combined warrant which—
- (a) includes an authorisation under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance),
  - (b) is addressed to the head of an intelligence service, and
  - (c) is issued with the approval of a Judicial Commissioner.
- (3) In such a case, the combined warrant (unless it is renewed) is to cease to have effect at the end of the period of 6 months beginning with the day on which it is issued.
- [<sup>F30</sup>(4) In the case of a combined warrant which—
- (a) includes an authorisation under section 32 of the Regulation of Investigatory Powers Act 2000 (authorisation of intrusive surveillance), and
  - (b) is addressed to the head of an intelligence service,
- sub-paragraph (1) has effect as if in section 44 of that Act (special rules for intelligence services authorisations) subsection (3), and the reference to that subsection in subsection (4), were omitted.]

**Textual Amendments**

**F30** Sch. 8 para. 27(4) inserted (26.7.2018) by [The Investigatory Powers \(Codes of Practice and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/905\)](#), arts. 1(3), 6

**Commencement Information**

**I122** Sch. 8 para. 27 in force at 27.6.2018 by [S.I. 2018/652](#), reg. 12(e)(iv)

*Special rules about the application of this Act to combined warrants*

- 28 (1) This paragraph applies where under section 24(3) a Judicial Commissioner refuses to approve a decision to issue a combined warrant under Part 1 or 3 of this Schedule.
- (2) Section 25 has effect in relation to the combined warrant as if—
- (a) any reference in subsection (3) of that section to a targeted interception warrant or targeted examination warrant were a reference to so much of the combined warrant as consisted of such a warrant, and
  - (b) any other reference in that section to a warrant were a reference to the combined warrant.
- (3) Where the combined warrant included a targeted equipment interference warrant or targeted examination warrant which the person who issued the combined warrant has power to issue under Part 5 of this Act, section 110 has effect in relation to the combined warrant as if—
- (a) any reference in subsection (3)(b) or (c) of that section to a targeted equipment interference warrant were a reference to so much of the combined warrant as consisted of such a warrant,

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- (b) any reference in subsection (4) of that section to a targeted examination warrant were a reference to so much of the combined warrant as consisted of such a warrant, and
- (c) any other reference in that section to a warrant were a reference to the combined warrant.

**Commencement Information**

**I123** Sch. 8 para. 28 in force at 27.6.2018 by S.I. 2018/652, reg. 12(e)(iv)

- 29 Where under section 109(3) a Judicial Commissioner refuses to approve the decision to issue a combined warrant under Part 2 of this Schedule, section 110 has effect in relation to the combined warrant as if—
- (a) any reference in subsection (3)(b) or (c) of that section to a targeted equipment interference warrant were a reference to so much of the combined warrant as consisted of such a warrant,
  - (b) any reference in subsection (4) of that section to a targeted examination warrant were a reference to so much of the combined warrant as consisted of such a warrant, and
  - (c) any other reference in that section to a warrant were a reference to the combined warrant.

**Commencement Information**

**I124** Sch. 8 para. 29 in force at 27.6.2018 by S.I. 2018/652, reg. 12(e)(iv)

- 30 (1) This paragraph applies to any provision in Part 2 or 5 of this Act that enables a person to whom a warrant is addressed to require the provision of assistance in giving effect to the warrant.
- (2) In the case of a combined warrant containing such a warrant, the provision is to be read as enabling the person to whom the combined warrant is addressed to require the provision of assistance in giving effect to so much of the combined warrant as consists of such a warrant.
- (3) Accordingly, any power to serve a copy of a warrant for that purpose includes power, in the case of such a combined warrant, to serve the part of the combined warrant consisting of such a warrant.

**Commencement Information**

**I125** Sch. 8 para. 30 in force at 27.6.2018 by S.I. 2018/652, reg. 12(e)(iv)

- 31 Any reference in section 56 (exclusion of matters from legal proceedings etc.) to the making of an application for a warrant, or the issue of a warrant, under Chapter 1 of Part 2 of this Act includes a reference to—
- (a) the making of an application for a combined warrant that includes a warrant under that Chapter, so far as relating to disclosing or suggesting the inclusion of such a warrant, or
  - (b) the inclusion of a warrant under that Chapter in a combined warrant.

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**Commencement Information**

**I126** Sch. 8 para. 31 in force at 27.6.2018 by S.I. 2018/652, reg. 12(e)(iv)

- 32 (1) The reference in section 58(7) to the provisions of Part 2 of this Act is to be read, in the case of a combined warrant containing a targeted interception warrant or targeted examination warrant which the person who issued the combined warrant has power to issue under that Part, as including a reference to this Schedule.
- (2) The reference in section 133(4) to the provisions of Part 5 of this Act is to be read, in the case of a combined warrant containing a targeted equipment interference warrant or targeted examination warrant which the person who issued the combined warrant has power to issue under that Part, as including a reference to this Schedule.

**Commencement Information**

**I127** Sch. 8 para. 32 in force at 27.6.2018 by S.I. 2018/652, reg. 12(e)(iv)

*Power to make consequential amendments*

- 33 (1) The Secretary of State may by regulations make such provision modifying any provision made by or under an enactment (including this Schedule) as the Secretary of State considers appropriate in consequence of any provision made by this Schedule.
- (2) In sub-paragraph (1) “enactment” does not include any primary legislation passed or made after the end of the Session in which this Act is passed.

**Commencement Information**

**I128** Sch. 8 para. 33 in force at 31.5.2018 by S.I. 2018/652, reg. 6(b)(ix)

SCHEDULE 9

Section 270(1)

TRANSITIONAL, TRANSITORY AND SAVING PROVISION

*Lawful interception of communications*

- 1 Any agreement which, immediately before the day on which section 10 comes into force, is designated for the purposes of section 1(4) of the Regulation of Investigatory Powers Act 2000 is to be treated, on and after that day, as designated as an international mutual assistance agreement by regulations under section 10(3) of this Act.

**Commencement Information**

**I129** Sch. 9 para. 1 in force at 27.6.2018 by S.I. 2018/652, reg. 12(f)(i)

**Changes to legislation:** *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 25 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*

#### *Authorisations for obtaining communications data*

- 2 The reference to the Gangmasters and Labour Abuse Authority in the table in Part 1 of Schedule 4 is to be read, in relation to any time before the day on which section 10(1) of the Immigration Act 2016 (renaming of Gangmasters Licensing Authority) comes into force, as a reference to the Gangmasters Licensing Authority.

#### **Commencement Information**

**I130** Sch. 9 para. 2 in force at 5.2.2019 by S.I. 2019/174, reg. 2(o)

#### *Retention of communications data*

- 3 (1) A retention notice under section 1 of the Data Retention and Investigatory Powers Act 2014 which is in force immediately before the commencement day is to be treated, on or after that day, as a retention notice under section 87 of this Act; and Part 4 of this Act is to be read accordingly but as if sections 87(1)(b), (4) and (8)(e), 89, 90(1) to (12), 91, 94(4)(b), (6), (10) and (12) and 96(2)(e) were omitted.
- (2) In particular—
- (a) anything which, immediately before the commencement day, is in the process of being done by virtue of, or in relation to, a retention notice under section 1 of the Act of 2014 may be continued as if being done by virtue of, or in relation to, a retention notice under section 87 of this Act, and
- (b) anything done by virtue of, or in relation to, a retention notice under section 1 of the Act of 2014 is, if in force or effective immediately before the commencement day, to have effect as if done by virtue of, or in relation to, a retention notice under section 87 of this Act so far as that is required for continuing its effect on or after the commencement day.
- (3) Sub-paragraphs (1) and (2) cease to apply, in relation to any retention notice under section 1 of the Act of 2014—
- (a) at the end of the period of six months beginning with the commencement day, or
- (b) if earlier, on the revocation in full of the notice;
- but this is without prejudice to the continued operation of section 95(2) to (5) in relation to the notice.
- (4) Section 249 applies in relation to costs incurred in complying with a retention notice under section 1 of the Act of 2014 which has continued in force on or after the commencement day as it applies in relation to costs incurred in complying with retention notices under section 87 of this Act but as if section 249(7) were omitted.
- (5) The Secretary of State may revoke (whether wholly or in part) a retention notice under section 1 of the Act of 2014.
- (6) The fact that a retention notice under section 1 of the Act of 2014 has, in relation to a particular description of data and a particular operator (or description of operators), ceased to have effect or been revoked does not prevent the giving of a retention notice under section 87 of this Act in relation to the same description of data and the same operator (or description of operators).
- (7) In this paragraph “the commencement day” is the day on which section 1(1) of the Act of 2014 is repealed.

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#### Commencement Information

**I131** Sch. 9 para. 3 in force at 30.12.2016 by S.I. 2016/1233, reg. 2(p)

- 4 (1) Sub-paragraph (2) applies if any power to give, vary or confirm a retention notice under section 87 of this Act (excluding any power to vary a notice which has effect as such a notice by virtue of paragraph 3(1)) is brought into force without any requirement for approval by a Judicial Commissioner of the decision to give, vary or (as the case may be) confirm the notice.
- (2) The notice as given, varied or confirmed ceases to have effect (so far as not previously revoked) at the end of the period of three months beginning with the day on which the requirement for approval comes into force.

#### Commencement Information

**I132** Sch. 9 para. 4 in force at 30.12.2016 by S.I. 2016/1233, reg. 2(p)

- 5 (1) The repeal of section 1(7) of the Data Retention and Investigatory Powers Act 2014 does not affect the continued operation, during the transitional period mentioned in sub-paragraph (2), of regulations made under section 1(7) of that Act.
- (2) The transitional period mentioned in this sub-paragraph is the period of six months beginning with the day on which section 1(7) of the Act of 2014 is repealed.
- (3) In their continued operation by virtue of sub-paragraph (1), the regulations made under section 1(7) of the Act of 2014 have effect subject to such modifications (if any) as may be specified in regulations under section 270(2).

#### Commencement Information

**I133** Sch. 9 para. 5 in force at 30.12.2016 by S.I. 2016/1233, reg. 2(p)

#### *Definitions of “other relevant crime” and “serious crime”*

- 6 (1) The definitions of—
- [<sup>F31</sup>(a) “serious crime” in section 86(2A),]
  - [<sup>F32</sup>(aa) “serious crime” in section 87(10B), and]
  - (b) “serious crime” in section 263(1),
- are to be read, until the appointed day, as if for the words “the age of 18 (or, in relation to Scotland or Northern Ireland, 21)” there were substituted “the age of 21”.
- (2) In sub-paragraph (1), “the appointed day” means the day on which the amendment made to section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 by paragraph 211 of Schedule 7 to the Criminal Justice and Court Services Act 2000 comes into force.

#### Textual Amendments

**F31** Sch. 9 para. 6(1)(a) substituted (5.2.2019) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), reg. 1(4)(d)(5), [Sch. 1 para. 27\(a\)](#) (see S.I. 2019/174, reg. 2(c))



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**F32** Sch. 9 para. 6(1)(aa) inserted (1.11.2018) by [The Data Retention and Acquisition Regulations 2018 \(S.I. 2018/1123\)](#), reg. 1(3)(f), [Sch. 1 para. 27\(c\)](#)

**Commencement Information**

**I134** Sch. 9 para. 6 in force at 25.7.2018 by [S.I. 2018/873](#), [reg. 2\(x\)](#)

*Savings for particular purposes*

- 7 Nothing in this Act affects any power conferred on a postal operator (within the meaning given by section 27(3) of the Postal Services Act 2011) by or under any enactment to open, detain or delay any postal packet (within the meaning given by section 125(1) of the Postal Services Act 2000) or to deliver any such packet to a person other than the person to whom it is addressed.

**Commencement Information**

**I135** Sch. 9 para. 7 in force at 30.8.2018 by [S.I. 2018/940](#), [reg. 2\(1\)\(g\)](#) (with [reg. 2\(2\)](#))

- 8 Nothing in Part 4 of this Act prevents the retention of data for the purposes of, or in connection with, legal proceedings (including proceedings which might arise in the future).

**Commencement Information**

**I136** Sch. 9 para. 8 in force at 30.12.2016 by [S.I. 2016/1233](#), [reg. 2\(p\)](#)

- 9 The amendments made to the Regulation of Investigatory Powers Act 2000 by sections 3 to 6 of the Data Retention and Investigatory Powers Act 2014 (and those sections) continue to have effect despite section 8(3) of the Act of 2014 (sunset provision for that Act) until the provisions they amend (and those sections) are repealed by this Act in connection with the coming into force of provisions of this Act.

**Commencement Information**

**I137** Sch. 9 para. 9 in force at 30.12.2016 by [S.I. 2016/1233](#), [reg. 2\(p\)](#)

*General saving for lawful conduct*

- 10 Nothing in any of the provisions of this Act by virtue of which conduct of any description is or may be authorised by any warrant, authorisation or notice, or by virtue of which information may be obtained in any manner, is to be read—
- (a) as making it unlawful to engage in any conduct of that description which is not otherwise unlawful under this Act and would not be unlawful apart from this Act,
  - (b) as otherwise requiring—
    - (i) the issue, grant or giving of such a warrant, authorisation or notice, or
    - (ii) the taking of any step for or towards obtaining the authority of such a warrant, authorisation or notice,

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- before any such conduct of that description is engaged in, or
- (c) as prejudicing any power to obtain information by any means not involving conduct that may be authorised under this Act.

**Commencement Information**

**I138** Sch. 9 para. 10 in force at 27.6.2018 by S.I. 2018/652, reg. 12(f)(ii)

SCHEDULE 10

Section 271(1)

MINOR AND CONSEQUENTIAL PROVISION

**PART 1**

GENERAL AMENDMENTS

*Police Act 1997*

- 1 In section 93(1A) of the Police Act 1997 (authorisations to interfere with property etc.) after “this Part” insert “ or the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I139** Sch. 10 para. 1 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

*Northern Ireland Act 1998*

- 2 In paragraph 9(1) of Schedule 3 to the Northern Ireland Act 1998 (reserved matters) for paragraph (a) substitute—
- “(a) the subject-matter of Parts 2 and 3 of the Regulation of Investigatory Powers Act 2000, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
  - (aa) the subject-matter of the following provisions of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of serious crime (within the meaning of that Act)—
    - (i) sections 3 to 10 and Schedule 1,
    - (ii) Part 2, and
    - (iii) Chapter 1 of Part 6;
  - (ab) the subject-matter of section 11, Parts 3 and 4 and Chapter 2 of Part 6 of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
  - (ac) the subject-matter of section 12 of, and Schedule 2 to, the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act);”.

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**Commencement Information**

**I140** Sch. 10 para. 2 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

*Regulation of Investigatory Powers Act 2000*

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

**Commencement Information**

**I141** Sch. 10 para. 3 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

4 In section 27(4)(a) (lawful surveillance etc: conduct to be dealt with under other enactments) after “Act” insert “ or the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I142** Sch. 10 para. 4 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

5 (1) Section 71 (issue and revision of codes of practice) is amended as follows.

(2) In subsection (2)(a), for “Parts I to III” substitute “ Parts 2 and 3 ”.

(3) Omit subsection (2A).

(4) In subsection (8) for “(2A)” substitute “ (3) ”.

**Commencement Information**

**I143** Sch. 10 para. 5 in force at 27.12.2018 by S.I. 2018/940, reg. 5(a)

6 (1) Section 81(1) (general definitions) is amended as follows.

(2) For the definition of “apparatus” substitute—

““apparatus” has the same meaning as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.

(3) In paragraph (a) of the definition of “communication” omit “(except in the definition of “postal service” in section 2(1))”.

(4) In the definition of “interception” and cognate expressions, for “section 2” substitute “ sections 4 and 5 of the Investigatory Powers Act 2016 ”.

(5) For the definitions of “postal service” and “public postal service” substitute—

““postal service” has the same meaning as in the Investigatory Powers Act 2016 (see section 262(7) of that Act);”.

(6) Omit the definitions of “private telecommunication system”, “public telecommunications service” and “public telecommunication system”.

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- (7) In the definitions of “telecommunication system” and “telecommunications service”, for “the meanings given by section 2(1)” substitute “ the same meanings as in the Investigatory Powers Act 2016 (see section 261(11) to (13) of that Act) ”.

**Commencement Information**

- I144** Sch. 10 para. 6(1)(2) in force at 5.2.2019 by [S.I. 2019/174](#), [reg. 2\(p\)\(i\)](#)  
**I145** Sch. 10 para. 6(3)(6)(7) in force at 27.12.2018 by [S.I. 2018/940](#), [reg. 5\(b\)](#)  
**I146** Sch. 10 para. 6(4) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 12\(g\)\(ii\)\(aa\)](#)  
**I147** Sch. 10 para. 6(4) in force at 22.7.2020 for specified purposes by [S.I. 2020/766](#), [reg. 2\(e\)\(i\)](#)  
**I148** Sch. 10 para. 6(5) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 12\(g\)\(ii\)\(bb\)](#)  
**I149** Sch. 10 para. 6(5) in force at 22.7.2020 for specified purposes by [S.I. 2020/766](#), [reg. 2\(e\)\(i\)](#)

*Political Parties, Elections and Referendums Act 2000*

- 7 In paragraph 28(4) of Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (civil sanctions: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

- I150** Sch. 10 para. 7 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Public Finance and Accountability (Scotland) Act 2000 (2000 asp 1)*

- 8 (1) The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.
- (2) In section 26B(3) (voluntary disclosure of data to Audit Scotland) for paragraph (b) substitute—
- “(b) which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”.
- (3) In section 26C(3) (power to require disclosure of data) for paragraph (b) substitute—
- “(b) the disclosure is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

- I151** Sch. 10 para. 8 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Social Security Fraud Act 2001*

- 9 In section 4(1)(b) of the Social Security Fraud Act 2001 (arrangements for payments in relation to persons providing a telecommunications service etc.) for “the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ the Investigatory Powers Act 2016 ”.

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**Commencement Information**

**I152** Sch. 10 para. 9 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Social Security Fraud Act (Northern Ireland) 2001*

- 10 In section 4(1)(b) of the Social Security Fraud Act (Northern Ireland) 2001 (arrangements for payments in relation to persons providing a telecommunications service etc.) for “the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I153** Sch. 10 para. 10 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Justice (Northern Ireland) Act 2002*

- 11 In section 5A(3)(b) of the Justice (Northern Ireland) Act 2002 (disclosure of information to the Northern Ireland Judicial Appointments Commission) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I154** Sch. 10 para. 11 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Proceeds of Crime Act 2002*

- 12 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 436(3)(b) (disclosure of information to certain Directors) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (3) In section 438(8)(b) (disclosure of information by certain Directors) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (4) In section 439(3)(b) (disclosure of information to Lord Advocate and to Scottish Ministers) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (5) In section 441(7)(b) (disclosure of information by Lord Advocate and by Scottish Ministers) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I155** Sch. 10 para. 12 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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*Police Reform Act 2002*

- 13 In paragraph 19ZA(2)(c) of Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc: power to serve information notice) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I156** Sch. 10 para. 13 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426)*

- 14 After regulation 5A(8) of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (personal data breach) insert—
- “(9) This regulation does not apply in relation to any personal data breach which is to be notified to the Investigatory Powers Commissioner in accordance with a code of practice made under the Investigatory Powers Act 2016.”

**Commencement Information**

**I157** Sch. 10 para. 14 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Audit and Accountability (Northern Ireland) Order 2003 (S.I. 2003/418 (N.I. 5))*

- 15 In Article 4C(3)(b) of the Audit and Accountability (Northern Ireland) Order 2003 (voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I158** Sch. 10 para. 15 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Public Audit (Wales) Act 2004*

- 16 In section 64C(3)(b) of the Public Audit (Wales) Act 2004 (voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I159** Sch. 10 para. 16 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Constitutional Reform Act 2005*

- 17 In section 107(3)(b) of the Constitutional Reform Act 2005 (disclosure of information to the Judicial Appointments Commission) for “Part 1 of the

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Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I160** Sch. 10 para. 17 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Commissioners for Revenue and Customs Act 2005*

- 18 In section 22(b) of the Commissioners for Revenue and Customs Act 2005 (data protection, etc) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I161** Sch. 10 para. 18 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Serious Crime Act 2007*

- 19 (1) The Serious Crime Act 2007 is amended as follows.
- (2) In section 68(4)(b) (disclosure of information to prevent fraud) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (3) In section 85(8)(b) (disclosure of information by Revenue and Customs) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I162** Sch. 10 para. 19 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Legal Services Act 2007*

- 20 In section 169(3)(b) of the Legal Services Act 2007 (disclosure of information to the Legal Services Board) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I163** Sch. 10 para. 20 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Regulatory Enforcement and Sanctions Act 2008*

- 21 In section 70(4) of the Regulatory Enforcement and Sanctions Act 2008 (disclosure of information) for paragraph (b) substitute—

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“(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I164** Sch. 10 para. 21 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Counter-Terrorism Act 2008*

- 22 In section 20(2)(b) of the Counter-Terrorism Act 2008 (disclosure and the intelligence services: supplementary provisions) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I165** Sch. 10 para. 22 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Borders, Citizenship and Immigration Act 2009*

- 23 In section 19(1)(b) of the Borders, Citizenship and Immigration Act 2009 (application of statutory provisions) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I166** Sch. 10 para. 23 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Marine and Coastal Access Act 2009*

- 24 (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In paragraph 13(5) of Schedule 7 (further provision about civil sanctions under Part 4: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”
- (3) In paragraph 9(5) of Schedule 10 (further provision about fixed monetary penalties under section 142: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I167** Sch. 10 para. 24 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)



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*Terrorist Asset-Freezing etc. Act 2010*

F33 25 .....

**Textual Amendments**

**F33** Sch. 10 para. 25 repealed (31.12.2020) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64(2), [Sch. 3 para. 9](#) (with ss. 52(3), 53, 58); S.I. 2020/1535, reg. 3(e)

*Marine (Scotland) Act 2010 (2010 asp 5)*

26 In paragraph 12(5) of Schedule 2 to the Marine (Scotland) Act 2010 (further provision about civil sanctions under Part 4: disclosure of information) for paragraph (b) substitute—  
“(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I168** Sch. 10 para. 26 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Charities Act 2011*

27 In section 59(b) of the Charities Act 2011 (disclosure: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I169** Sch. 10 para. 27 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Prisons (Interference with Wireless Telegraphy) Act 2012*

28 In section 4(6) of the Prisons (Interference with Wireless Telegraphy) Act 2012 (meaning of “telecommunication system”) for “Regulation of Investigatory Powers Act 2000” substitute “Investigatory Powers Act 2016 (see section 261(13) of that Act) ”.

**Commencement Information**

**I170** Sch. 10 para. 28 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Crime and Courts Act 2013*

29 In paragraph 1(b) of Schedule 7 to the Crime and Courts Act 2013 (information: restrictions on disclosure) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

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**Commencement Information**

**I171** Sch. 10 para. 29 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Marine Act (Northern Ireland) 2013 (c. 10 (N.I.))*

- 30 In paragraph 8(5) of Schedule 2 to the Marine Act (Northern Ireland) 2013 (further provision about fixed monetary penalties under section 35: disclosure of information) for paragraph (b) substitute—  
“(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I172** Sch. 10 para. 30 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Local Audit and Accountability Act 2014*

- 31 In paragraph 3(3)(b) of Schedule 9 to the Local Audit and Accountability Act 2014 (data matching: voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I173** Sch. 10 para. 31 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Anti-social Behaviour, Crime and Policing Act 2014*

- 32 In paragraph 7(4)(b) of Schedule 4 to the Anti-social Behaviour, Crime and Policing Act 2014 (ASB case reviews: information) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I174** Sch. 10 para. 32 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Immigration Act 2014*

- 33 In paragraph 6(b) of Schedule 6 to the Immigration Act 2014 (information) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I175** Sch. 10 para. 33 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

**Changes to legislation:** *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 25 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*

*Data Retention and Investigatory Powers Act 2014*

- 34 Omit sections 4(1), 7 and 8 of the Data Retention and Investigatory Powers Act 2014 (introductory, review and final provisions).

**Commencement Information**

**I176** Sch. 10 para. 34 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Immigration Act 2016*

- 35 In section 7(2)(b) of the Immigration Act 2016 (information gateways: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I177** Sch. 10 para. 35 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

**PART 2**

LAWFUL INTERCEPTION OF COMMUNICATIONS

*Security Service Act 1989*

- 36 In section 1(5) of the Security Service Act 1989 (meaning of “prevention” and “detection”) for the words from “the provisions” to the end substitute “ that Act ”.

**Commencement Information**

**I178** Sch. 10 para. 36 in force at 27.12.2018 by S.I. 2018/940, reg. 5(c)

*Official Secrets Act 1989*

- 37 In section 4(3) of the Official Secrets Act 1989 (crime and special investigation powers) omit the “and” after paragraph (a) and after paragraph (b) insert “and
- (c) any information obtained under a warrant under Chapter 1 of Part 2 or Chapter 1 of Part 6 of the Investigatory Powers Act 2016, any information relating to the obtaining of information under such a warrant and any document or other article which is or has been used or held for use in, or has been obtained by reason of, the obtaining of information under such a warrant.”

**Commencement Information**

**I179** Sch. 10 para. 37 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

**Changes to legislation:** *Investigatory Powers Act 2016 is up to date with all changes known to be in force on or before 25 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*

*Intelligence Services Act 1994*

- 38 In section 11(1A) of the Intelligence Services Act 1994 (meaning of “prevention” and “detection”) for the words from “apply” to the end substitute “ apply for the purposes of this Act as it applies for the purposes of that Act, except that for the purposes of section 3 above it shall not include a reference to gathering evidence for use in any legal proceedings (within the meaning of that Act). ”

**Commencement Information**

**I180** Sch. 10 para. 38 in force at 27.12.2018 by S.I. 2018/940, reg. 5(d)

*Criminal Procedure and Investigations Act 1996*

- 39 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.
- (2) In section 3(7) (initial duty of prosecutor to disclose) for “section 17 of the Regulation of Investigatory Powers Act 2000” substitute “ section 56 of the Investigatory Powers Act 2016 ”.
- (3) In section 7A(9) (continuing duty of prosecutor to disclose) for “section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ section 56 of the Investigatory Powers Act 2016 ”.
- (4) In section 8(6) (application by accused for disclosure) for “section 17 of the Regulation of Investigatory Powers Act 2000” substitute “ section 56 of the Investigatory Powers Act 2016 ”.
- (5) In section 23 (code of practice) for subsection (6) substitute—
- “(6) The code must be so framed that it does not apply to any of the following—
- (a) material intercepted in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985;
  - (b) material intercepted under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000;
  - (c) material obtained under the authority of a warrant issued under Chapter 1 of Part 2 of the Investigatory Powers Act 2016;
  - (d) material obtained under the authority of a warrant issued under Chapter 1 of Part 6 of that Act.”

**Commencement Information**

**I181** Sch. 10 para. 39 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Police Act 1997*

- 40 In section 133A of the Police Act 1997 (meaning of “prevention” and “detection”) for the words from “the provisions” to the end substitute “ that Act ”.

**Commencement Information**

**I182** Sch. 10 para. 40 in force at 27.12.2018 by S.I. 2018/940, reg. 5(e)

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*Scotland Act 1998*

- 41 In Section B8 of Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: national security, interception of communications etc.), in the definition of “private telecommunication system”, for “section 2(1) of the Regulation of Investigatory Powers Act 2000” substitute “ section 261(14) of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I183** Sch. 10 para. 41 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Northern Ireland Act 1998*

- 42 In paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters) for paragraph (b) substitute—  
“(b) the subject-matter of sections 3 to 10, Schedule 1, Part 2 and Chapter 1 of Part 6 of the Investigatory Powers Act 2016, except so far as relating to the prevention or detection of serious crime (within the meaning of that Act);”.

**Commencement Information**

**I184** Sch. 10 para. 42 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Financial Services and Markets Act 2000*

- 43 In section 394(7)(a) of the Financial Services and Markets Act 2000 (access to FCA or PRA material) for “section 17 of the Regulation of Investigatory Powers Act 2000” substitute “ section 56 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I185** Sch. 10 para. 43 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Regulation of Investigatory Powers Act 2000*

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

**Commencement Information**

**I186** 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**

**I187** Sch. 10 para. 45 in force at 12.3.2018 for specified purposes by S.I. 2018/341, reg. 2(n) (with reg. 3)

**I188** 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))

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- I189** 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))
- I190** Sch. 10 para. 45 in force at 26.9.2018 for specified purposes by S.I. 2018/940, **reg. 3(h)**
- I191** Sch. 10 para. 45 in force at 7.11.2018 for specified purposes by S.I. 2018/940, **reg. 4(a)**
- I192** 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

- I193** Sch. 10 para. 46 in force at 30.8.2018 by S.I. 2018/940, **reg. 2(1)(h)(i)** (with reg. 2(2))

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

#### Commencement Information

- I194** 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

- I195** 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.

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**Commencement Information**

**I196** 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**

**I197** Sch. 10 para. 50 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Criminal Justice and Licensing (Scotland) Act 2010 (2010 asp 13)*

51 In section 159 of the Criminal Justice and Licensing (Scotland) Act 2010, for “section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “section 56 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I198** Sch. 10 para. 51 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Justice and Security Act 2013*

52 In section 6(4)(b) of the Justice and Security Act 2013 (declaration permitting closed material applications in proceedings) for sub-paragraph (iii) substitute—  
“(iii) section 56(1) of the Investigatory Powers Act 2016 (exclusion for intercept material).”.

**Commencement Information**

**I199** Sch. 10 para. 52 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

**PART 3**

ACQUISITION OF COMMUNICATIONS DATA

*Regulation of Investigatory Powers Act 2000*

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

**Commencement Information**

**I200** Sch. 10 para. 53 in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(ii)

54 Omit Chapter 2 of Part 1 (acquisition and disclosure of communications data).

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#### Commencement Information

**I201** Sch. 10 para. 54 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(ii)

55 In section 49(1)(c) (investigation of electronic data protected by encryption etc: powers under which data obtained)—

- (a) for the words from “section 22(3)” to “Part II” substitute “ Part 3 of the Investigatory Powers Act 2016 or Part 2 of this Act ”, and
- (b) for “under section 22(4)” substitute “ in pursuance of an authorisation under Part 3 of the Act of 2016 or as the result of the issue of a warrant under Chapter 2 of Part 6 of the Act of 2016 ”.

#### Commencement Information

**I202** Sch. 10 para. 55 in force at 5.2.2019 for specified purposes by S.I. 2019/174, reg. 2(p)(iii)

56 In section 71(2) (issue and revision of codes of practice) omit “23A or”.

#### Commencement Information

**I203** Sch. 10 para. 56 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(iii)

PROSPECTIVE

F34<sup>57</sup>

#### Textual Amendments

**F34** Sch. 10 para. 57 omitted (5.2.2019) by virtue of [The Data Retention and Acquisition Regulations 2018](#) (S.I. 2018/1123), reg. 1(4)(d)(5), [Sch. 1 para. 28](#) (see S.I. 2019/174, reg. 2(c))

PROSPECTIVE

F35<sup>58</sup>

#### Textual Amendments

**F35** Sch. 10 para. 58 omitted (5.2.2019) by virtue of [The Data Retention and Acquisition Regulations 2018](#) (S.I. 2018/1123), reg. 1(4)(d)(5), [Sch. 1 para. 28](#) (see S.I. 2019/174, reg. 2(c))

59 In section 78(3)(a) (affirmative orders) omit “22(9), 23A(6), 25(5),”.

#### Commencement Information

**I204** Sch. 10 para. 59 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(iii)



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- 60 In section 81(9) (general interpretation: certain references relating to Northern Ireland) omit “23A(7)(b),”.

**Commencement Information**

I205 Sch. 10 para. 60 in force at 22.7.2020 by S.I. 2020/766, reg. 2(e)(iii)

*Police Reform Act 2002*

- 61 (1) Paragraph 19ZA of Schedule 3 to the Police Reform Act 2002 (investigations by the IPCC: information notices) is amended as follows.
- (2) In sub-paragraph (3) omit—
- (a) the words from “(within the meaning of Chapter 2” to “2000)”, and
- (b) the words “(within the meaning of that Chapter)”.
- (3) After sub-paragraph (3) insert—
- “(3A) In sub-paragraph (3) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

**Commencement Information**

I206 Sch. 10 para. 61 in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(iv)

**PART 4**

RETENTION OF COMMUNICATIONS DATA

*Anti-terrorism, Crime and Security Act 2001*

- 62 Omit Part 11 of the Anti-terrorism, Crime and Security Act 2001 (retention of communications data).

**Commencement Information**

I207 Sch. 10 para. 62 in force at 1.11.2018 by S.I. 2018/873, reg. 4(e)

*Data Retention and Investigatory Powers Act 2014*

- 63 Omit sections 1 and 2 of the Data Retention and Investigatory Powers Act 2014 (retention of relevant communications data).

**Commencement Information**

I208 Sch. 10 para. 63 in force at 30.12.2016 by S.I. 2016/1233, reg. 2(q)

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## PART 5

### EQUIPMENT INTERFERENCE

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

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

#### Commencement Information

I209 Sch. 10 para. 64 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

- 65 In section 48 (interpretation of Part 2), in subsection (3)(c)—
- (a) omit the “or” at the end of sub-paragraph (i);
  - (b) after sub-paragraph (ii) insert “; or
  - (iii) Part 5, or Chapter 3 of Part 6, of the Investigatory Powers Act 2016 (equipment interference).”

#### Commencement Information

I210 Sch. 10 para. 65 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

- 66 (1) Paragraph 2 of Schedule 2 (persons having the appropriate permission where data obtained under warrant etc) is amended as follows.
- (2) In sub-paragraph (1)—
    - (a) omit the “or” at the end of paragraph (a);
    - (b) after paragraph (b) insert “; or
    - (c) a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016 (powers of law enforcement chiefs to issue warrants to law enforcement officers).”
  - (3) In sub-paragraph (5), at the end insert “ or under a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016. ”
  - (4) In sub-paragraph (6)—
    - (a) omit the “and” at the end of paragraph (b);
    - (b) after paragraph (c) insert “; and
    - (d) in relation to protected information obtained under a warrant issued under section 106 of the Investigatory Powers Act 2016, means the person who issued the warrant or, if that person was an appropriate delegate in relation to a law enforcement chief, either that person or the law enforcement chief.”
  - (5) After sub-paragraph (6) insert—
    - “(6A) In sub-paragraph (6)(d), the references to a law enforcement chief and to an appropriate delegate in relation to a law enforcement chief are to be read in accordance with section 106(5) of the Investigatory Powers Act 2016.”

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**Commencement Information**

**I211** Sch. 10 para. 66 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(l)(i)

*Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11)*

67 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.

**Commencement Information**

**I212** Sch. 10 para. 67 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

68 In section 5(3) (lawful surveillance etc.), after paragraph (a) (and before the “or” at the end of the paragraph), insert—

“(aa) an enactment contained in Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service;”.

**Commencement Information**

**I213** Sch. 10 para. 68 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(l)(ii)

69 In section 24(2) (issue and revision of codes of practice), after paragraph (a) (and before the “and” at the end of the paragraph), insert—

“(aa) Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service or the Police Investigations and Review Commissioner;”.

**Commencement Information**

**I214** Sch. 10 para. 69 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

*Crime and Courts Act 2013*

70 (1) In Schedule 1 to the Crime and Courts Act 2013 (the NCA and NCA officers), paragraph 6A (investigatory activity in Northern Ireland) is amended as follows.

(2) In sub-paragraph (3)—

(a) in the opening words, omit “an authorisation granted under any of the following provisions”;

(b) before paragraph (a) insert—

“(za) a targeted equipment interference warrant under Part 5 of the Investigatory Powers Act 2016;”;

(c) in paragraph (a), for “in the” substitute “an authorisation granted under any of the following provisions of the”;

(d) in paragraph (b), at the beginning insert “an authorisation granted under”.

(3) After sub-paragraph (3) insert—

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- “(4) For the purpose of sub-paragraph (1), a relevant investigatory activity falling within sub-paragraph (3)(za) is to be regarded as carried out in Northern Ireland if (and to the extent that)—
- (a) the equipment that is being interfered with under the warrant is in Northern Ireland, and
  - (b) at the time of the carrying out of the activity, the NCA officer knows that the equipment is in Northern Ireland.
- (5) Sub-paragraph (6) applies where—
- (a) in the carrying out by an NCA officer of a relevant investigatory activity falling within sub-paragraph (3)(za), equipment in Northern Ireland is interfered with under the warrant,
  - (b) at the time the interference begins, the NCA officer does not know that the equipment is in Northern Ireland, and
  - (c) at any time while the interference is continuing, the NCA officer becomes aware that the equipment is in Northern Ireland.
- (6) The NCA officer is not to be regarded as in breach of sub-paragraph (1) if the interference continues after the NCA officer becomes aware that the equipment is in Northern Ireland, provided that the officer informs the Chief Constable of the Police Service of Northern Ireland about the interference as soon as reasonably practicable.”

**Commencement Information**

I215 Sch. 10 para. 70 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(l)(iii)

**PART 6**

JUDICIAL COMMISSIONERS

*Police Act 1997*

71 The Police Act 1997 is amended as follows.

**Commencement Information**

I216 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**

I217 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),”.

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**Commencement Information**

**I218** 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**

**I219** 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.

**Commencement Information**

**I220** 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**

**I221** 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**

**I222** 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**

**I223** 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

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key to protected information) for “the Commissioner in question” substitute “ the Investigatory Powers Commissioner ”.

**Commencement Information**

**I224** 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).

**Commencement Information**

**I225** 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**

**I226** 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**

**I227** 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—

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“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**

I228 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**

I229 Sch. 10 para. 84 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

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

**Commencement Information**

I230 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**

I231 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**

I232 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**

I233 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 ”.

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**Commencement Information**

**I234** 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**

**I235** 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 ”.

(4) In subsection (3)—

(a) for “Chief Surveillance Commissioner” substitute “ Investigatory Powers Commissioner ”, and

(b) after “under” insert “ , and in relation to, ”.

**Commencement Information**

**I236** 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**

**I237** 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**

**I238** 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);”.



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- (3) Omit the definitions of “ordinary Surveillance Commissioner”, “Surveillance Commissioner” and “Chief Surveillance Commissioner”.

**Commencement Information**

I239 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 ”.

**Commencement Information**

I240 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**

I241 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**

I242 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**

I243 Sch. 10 para. 98 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

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## PART 7

### OTHER MINOR AND CONSEQUENTIAL PROVISION

#### *Telecommunications Act 1984*

- 99 Omit section 94 of the Telecommunications Act 1984 (directions in the interests of national security etc.).

#### Commencement Information

- I244** Sch. 10 para. 99 in force at 12.3.2018 for specified purposes by S.I. 2018/341, **reg. 2(p)** (with reg. 4)  
**I245** Sch. 10 para. 99 in force at 22.8.2018 in so far as not already in force by S.I. 2018/873, **reg. 3(k)** (with regs. 5, 7)

#### *Northern Ireland Act 1998*

- 100 In paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters) after “subversion;” insert “ the Technical Advisory Board provided for by section 245 of the Investigatory Powers Act 2016; ”.

#### Commencement Information

- I246** Sch. 10 para. 100 in force at 12.3.2018 by S.I. 2018/341, **reg. 2(q)**

#### *Communications Act 2003*

- 101 (1) The Communications Act 2003 is amended as follows.  
(2) In section 401(5)(g), for “sections 47 to 49” substitute “ section 47 or 48 ”.  
(3) In Schedule 18 (transitional provisions), omit paragraph 24 (which relates to section 94 of the Telecommunications Act 1984).

#### Commencement Information

- I247** Sch. 10 para. 101(1)(2) in force at 27.6.2018 by S.I. 2018/652, **reg. 12(g)(iii)**  
**I248** Sch. 10 para. 101(3) in force at 5.2.2019 by S.I. 2019/174, **reg. 2(p)(v)**

## PART 8

### REPEALS AND REVOCATIONS CONSEQUENTIAL ON OTHER REPEALS OR AMENDMENTS IN THIS ACT

#### Commencement Information

- I249** Sch. 10 Pt. 8 in force at 30.12.2016 for specified purposes by S.I. 2016/1233, **reg. 2(r)**  
**I250** Sch. 10 Pt. 8 in force at 22.8.2018 for specified purposes by S.I. 2018/873, **reg. 3(l)** (with reg. 5)  
**I251** Sch. 10 Pt. 8 in force at 30.8.2018 for specified purposes by S.I. 2018/940, **reg. 2(1)(h)(ii)** (with reg. 2(2))  
**I252** Sch. 10 Pt. 8 in force at 7.11.2018 for specified purposes by S.I. 2018/940, **reg. 4(b)**

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- I253** Sch. 10 Pt. 8 in force at 27.12.2018 for specified purposes by S.I. 2018/940, reg. 5(i)  
**I254** Sch. 10 Pt. 8 in force at 22.7.2020 for specified purposes by S.I. 2020/766, reg. 2(e)(iv)

### GENERAL AMENDMENTS

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<i>Title</i>	<i>Extent of repeal or revocation</i>
Serious Crime Act 2015	Section 83. Section 86(12). In Schedule 4, paragraph 18.

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### LAWFUL INTERCEPTION OF COMMUNICATIONS

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<i>Title</i>	<i>Extent of repeal or revocation</i>
Regulation of Investigatory Powers Act 2000	In Schedule 4, paragraphs 7(2) and 9.
Anti-terrorism, Crime and Security Act 2001	Section 116(3).
Inquiries Act 2005	In Schedule 2, paragraphs 20 and 21.
Terrorism Act 2006	Section 32.
Wireless Telegraphy Act 2006	In Schedule 7, paragraphs 22 and 23.
National Health Service (Consequential Provisions) Act 2006	In Schedule 1, paragraph 208.
Armed Forces Act 2006	In Schedule 16, paragraph 169.
Serious Crime Act 2007	In Schedule 12, paragraph 6.
Counter-Terrorism Act 2008	Sections 69 and 74.
Policing and Crime Act 2009	Section 100.
Terrorist Asset-Freezing etc. Act 2010	Section 28(2) and (3).
Terrorism Prevention and Investigation Measures Act 2011	In Schedule 7, paragraph 4.
Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011 (S.I. 2011/1340)	The whole Regulations.
Health and Social Care Act 2012	In Schedule 5, paragraph 98.
Justice and Security Act 2013	Section 16. In Schedule 2, paragraph 11.
Crime and Courts Act 2013	In Schedule 8, paragraph 78. In Schedule 9, paragraph 125.

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Data Retention and Investigatory Powers Act 2014	Section 3(1) and (2). Section 4(2) to (7). Section 5.
Counter-Terrorism and Security Act 2015	Section 15(3). In Schedule 8, paragraph 2.

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#### *ACQUISITION AND RETENTION OF COMMUNICATIONS DATA*

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<i>Title</i>	<i>Extent of repeal or revocation</i>
Serious Organised Crime and Police Act 2005	In Schedule 4, paragraph 135.
Serious Crime Act 2007	In Schedule 12, paragraphs 7 and 8.
Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098)	In the Schedule, paragraph 4(5).
Policing and Crime Act 2009	Section 7. In Schedule 7, paragraphs 13 and 14.
Protection of Freedoms Act 2012	Section 37. In Schedule 9, paragraphs 7 and 8 and, in paragraph 16(b), sub-paragraph (i) (and the word “and” at the end of sub-paragraph (i)).
Crime and Courts Act 2013	In Schedule 8, paragraph 81.
Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 2, paragraph 33(5) to (8) and (15)(a).
Data Retention and Investigatory Powers Act 2014	Section 3(3) and (4). Section 4(8) to (10).
Counter-Terrorism and Security Act 2015	Section 21. Section 52(3)(a).

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#### *JUDICIAL COMMISSIONERS*

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<i>Title</i>	<i>Extent of repeal or revocation</i>
Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747)	In Schedule 6, paragraph 2(2) and (5).
Regulation of Investigatory Powers Act 2000	In Schedule 4, paragraph 8(1), (10) and (11).

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Insolvency Act 2000	In Schedule 4, paragraph 22(2).
Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253)	In Schedule 3, paragraphs 9 to 12.
Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004 (S.I. 2004/1941)	In the Schedule, paragraph 10.
Constitutional Reform Act 2005	In Schedule 17, paragraphs 27 and 30(2)(a) and (b).
Tribunals, Courts and Enforcement Act 2007	In Schedule 16, paragraph 11(2).
Serious Crime Act 2007	In Schedule 12, paragraph 3.
Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941)	In Schedule 1, paragraph 169.
Police Reform and Social Responsibility Act 2011	In Schedule 16, paragraph 222.
Protection of Freedoms Act 2012	In Schedule 9, paragraphs 10 and 11.
Justice and Security Act 2013	Section 5. In Schedule 2, paragraph 4.
Crime and Courts Act 2013	In Schedule 8, paragraph 59. In Schedule 21, paragraph 4.
Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 1, paragraph 6(6). In Schedule 2, paragraph 33(20) and (22)(c).
Anti-social Behaviour, Crime and Policing Act 2014	Section 150.
Data Retention and Investigatory Powers Act 2014	Section 6.

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*OTHER MINOR AND CONSEQUENTIAL PROVISION*

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<i>Title</i>	<i>Extent of repeal or revocation</i>
Communications Act 2003	In Schedule 17, paragraph 70.

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**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 202(4) words substituted by [2018 c. 12 Sch. 19 para. 201](#)
- s. 202(4) words substituted by [2018 c. 12 Sch. 19 para. 201](#)
- s. 228 coming into force by [S.I. 2017/137 reg. 2\(c\)](#) (Effect not applied to [legislation.gov.uk](#). Reg. 2(b)(c) omitted (10.2.2017) by virtue of S.I. 2017/143, reg. 2. S. 228 already in force by 2016 c. 25, s. 272(3))
- s. 228 coming into force by [S.I. 2017/137 reg. 2\(c\)](#) (Effect not applied to [legislation.gov.uk](#). Reg. 2(b)(c) omitted (10.2.2017) by virtue of S.I. 2017/143, reg. 2. S. 228 already in force by 2016 c. 25, s. 272(3))
- Sch. 3 para. 11 repealed by [2018 c. 13 Sch. 3 para. 9](#)
- Sch. 3 para. 11 repealed by [2018 c. 13 Sch. 3 para. 9](#)
- Sch. 3 para. 12 words substituted by [2018 c. 13 Sch. 3 para. 10](#)
- Sch. 3 para. 12 words substituted by [2018 c. 13 Sch. 3 para. 10](#)

**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](#)