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STATUTORY INSTRUMENTS

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**2017 No. 859**

**The Investigatory Powers Act 2016  
(Commencement No. 3 and Transitory, Transitional  
and Saving Provisions) Regulations 2017**

**PART 2**

Investigatory Powers Commissioner: transitory, transitional and saving provisions

**Transitory provisions regarding the main functions of the Commissioner**

**3.—(1)** From 1st September 2017 until the coming into force of section 19 of the 2016 Act (power of Secretary of State to issue warrants)—

(a) section 229(1) has effect as if for paragraph (c) there were substituted—

“(c) the obtaining of related communications data under Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000(1)

(b) section 229(2)(a) has effect as if for “Chapter 1 of Part 2 or Chapter 1 of Part 6” there were substituted “Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000(2)”.

(2) From 1st September 2017 until the coming into force of section 45 of the 2016 Act (interception by providers of postal or telecommunications services), section 229(4)(e)(i) of the 2016 Act has effect as if the reference to section 45 were a reference to section 4(2) of RIPA (power to provide for lawful interception).

(3) From 1st September 2017 until the coming into force of section 47 of the 2016 Act (postal services: interception for enforcement purposes), section 229(4)(e)(i) of the 2016 Act has effect as if the reference to section 47 were a reference to section 3(3A) and (3B)(3) of RIPA (lawful interception without an interception warrant).

(4) From 1st September 2017 until the coming into force of section 50 of the 2016 Act (interception in psychiatric hospitals), section 229(4)(e)(i) of the 2016 Act has effect as if the reference to section 50 were a reference to section 4(5) and (6)(4) of RIPA.

(5) From 1st September 2017 until the coming into force of section 46 of the 2016 Act (interception by business etc. for monitoring and record-keeping purposes), section 229(4)(e)(ii) of RIPA has effect as if the reference—

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(1) See section 5(6) of RIPA. Related communications data is defined in section 20 of RIPA.

(2) Amended by paragraph 132(3) of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), section 32 of the Terrorism Act 2006 (c. 11), paragraph 6 of Schedule 12 to the Serious Crime Act 2007 (c. 27), paragraphs 77 and 78 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), sections 3, 4(1) to (7) and 5 of the Data Retention and Investigatory Powers Act 2014 (c. 27), and S.I. 2000/3253 and 2013/602. The amendments made by the Data Retention and Investigatory Powers Act 2014 are saved by paragraph 9 of Schedule 9 to the 2016 Act. There are other amendments not relevant to these Regulations.

(3) Section 3(3A) was inserted by section 100(1) of the Policing and Crime Act 2009 (c. 26). Section 3(3B) was inserted by paragraph 2 of Schedule 8 to the Counter-Terrorism and Security Act 2015 (c. 6).

(4) Section 4(5) was amended by paragraph 208(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43) and paragraph 98 of Schedule 5 to the Health and Social Care Act 2012 (c. 7).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) to section 46 were a reference to section 4(2) of RIPA, and
  - (b) to an intercepting authority (within the meaning given by section 18(1)) were a reference to a person specified in section 6(2)(5) of RIPA (application for issue of an interception warrant).
- (6) From 1st September 2017 until the coming into force of section 7 of the 2016 Act (monetary penalties for certain unlawful interceptions), section 229(8)(a) of the 2016 Act is to be read as if for sub-paragraph (i) there were substituted—
- “(i) whether to serve, vary or cancel a monetary penalty notice under section 1(1A)(6) of, or paragraph 11 of Schedule A1(7) to, the Regulation of Investigatory Powers Act 2000, a notice of intent under paragraph 3 of that Schedule or an information notice under paragraph 9 of that Schedule.”.

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(5) Section 6 was amended by paragraph 132(3) of Schedule 4 to the Serious Organised Crime and Police Act 2005, paragraph 6 of Schedule 12 to the Serious Crime Act 2007, paragraph 78 of Schedule 8 to the Crime and Courts Act 2013 and [S.I. 2013/602](#).

(6) Section 1(1A) was inserted by [S.I. 2011/1340](#).

(7) Schedule A1 was inserted by [S.I. 2011/1340](#) and was amended by paragraph 125 of Schedule 9 to the Crime and Courts Act 2013.