

2019 No. 174 (C. 7)

INVESTIGATORY POWERS

**The Investigatory Powers Act 2016 (Commencement No. 11)
Regulations 2019**

Made - - - - *4th February 2019*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 272(1) of the Investigatory Powers Act 2016(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Investigatory Powers Act 2016 (Commencement No. 11) Regulations 2019.

(2) In these Regulations—

“the 2000 Act” means the Regulation of Investigatory Powers Act 2000(b);

“the 2016 Act” means the Investigatory Powers Act 2016.

Provisions coming into force on 5th February 2019

2. The following provisions of the 2016 Act come into force on 5th February 2019—

- (a) section 2 (general duties in relation to privacy), so far as not already in force;
- (b) section 11 (offence of unlawfully obtaining communications data);
- (c) section 61(c) (power of designated senior officers to grant authorisations), so far as not already in force;
- (d) sections 62 to 86(d) (authorisations for obtaining communications data);
- (e) section 229(e) (main oversight functions of the Investigatory Powers Commissioner and Judicial Commissioners), so far as not already in force;
- (f) section 231 (error reporting), to the extent it applies to an error relating to Part 3 of the 2016 Act;
- (g) section 243(1)(c) (functions of Tribunal in relation to this Act, etc), so far as it inserts—
 - (i) paragraph (cza), so far as not already in force, and
 - (ii) paragraph (czl)(i) and (ii), so far as not already in force;

(a) 2016 c. 25.

(b) 2000 c. 23.

(c) Section 61 was amended by S.I. 2018/1123. On the commencement of section 61(1), the insertion of sections 60A and 61A by regulations 5 and 7 of S.I. 2018/1123 comes into force by virtue of regulation 1(4) of those Regulations.

(d) Sections 62 to 86 (with the exception of sections 66, 79, 82 and 85) were amended by S.I. 2018/1123. In particular, section 75 was omitted by that Instrument.

(e) Section 229 was amended by S.I. 2018/1123.

- (h) section 243(1)(h), for the purpose of inserting subsection (7ZB) of section 65 of the 2000 Act in so far as that subsection applies to conduct which is, or purports to be, conduct falling within—
 - (i) subsection (5)(cza), and
 - (ii) subsection (5)(czl)(i) and (ii);
- (i) section 243(1)(i), so far as not already in force;
- (j) in section 243(2)—
 - (i) paragraph (a), so far as not already in force;
 - (ii) paragraph (b), in so far as it repeals the reference to section 23A of the 2000 Act, and
 - (iii) paragraph (c);
- (k) section 270(1) (transitional, transitory or saving provision) so far as not already in force;
- (l) section 271(1) for the purpose of paragraph (p);
- (m) Schedule 4(a) (relevant public authorities and designated senior officers, etc.);
- (n) Schedule 5 (transfer and agency arrangements with public authorities: further provisions);
- (o) paragraph 2 of Schedule 9;
- (p) the following provisions of Schedule 10 (minor and consequential provision)—
 - (i) paragraph 6(1) and (2);
 - (ii) paragraph 53;
 - (iii) paragraph 55, in so far as the protected information referred to in section 49 of the 2000 Act came into the possession of the person referred to in that section by means of the exercise of any power conferred by an authorisation under Part 3 of the 2016 Act, or in pursuance of an authorisation under Part 3 of the 2016 Act or as the result of the issue of a warrant under Chapter 2 of Part 6 of the 2016 Act;
 - (iv) paragraph 61, and
 - (v) paragraph 101(3).

Ben Wallace
Minister of State
Home Office

4th February 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring section 11 and Part 3 of the Investigatory Powers Act 2016 (“the 2016 Act”) (authorisations for obtaining communications data) into force on 5th February 2019. Section 61 had already been partly commenced for the purposes of the operation of sections 87 and 94 only. Section 61 was amended, and sections 60A and 61A were inserted, by regulations 6 and 7 of the Data Retention and Acquisition Regulations 2018 (S.I. 2018/1123), and regulations 6 and 7 will come into force on the day on which section 61(1) of the 2016 Act comes into force (5th February 2019) by virtue of regulation 1(4) of those Regulations. Schedule 1 to those Regulations made further changes to Part 3 of the 2016 Act, and will also commence on 5th February 2019.

Certain provisions (for example, paragraph 55 of Schedule 10) are only commenced in relation to the functions commenced in Part 3 of the 2016 Act. This is because Part 1 of Chapter 2 of the

(a) Schedule 4 is amended by paragraph 74 of Schedule 9 to the Policing and Crime Act 2017 (c. 3) and S.I. 2018/1123.

Regulation of Investigatory Powers Act 2000 (“the 2000 Act”) will remain in force for a period of time after the commencement of Part 3 and associated provisions of the 2016 Act, in order to allow relevant public authorities to transition in a staged way from the processes under the earlier Act to the later Act, particularly in relation to the regime under section 60A (independent authorisation by the Investigatory Powers Commissioner). It is anticipated that Part 1 of Chapter 2 of the 2000 Act will be repealed at the end of 2019.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Investigatory Powers Act 2016 (c. 25) have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	13.02.17	2017/137(a)
Section 2 (partially)	30.12.16	2016/1233
Section 2 (partially)	12.03.18	2018/341
Section 2 (partially)	31.05.18	2018/652
Section 2 (partially)	27.06.18	2018/652
Section 2 (partially)	25.07.18	2018/873
Section 2 (partially)	22.08.18	2018/873
Section 3	27.06.18	2018/652
Sections 4 to 6	31.05.18	2018/652
Section 7	27.06.18	2018/652
Section 8	27.06.18	2018/652
Section 9 (partially)	27.06.18	2018/652
Section 9 (remainder)	26.09.18	2018/940
Section 10(1) and (2) (partially)	27.06.18	2018/652
Section 10(3) (partially)	31.05.18	2018/652
Section 10(3) (remainder)	27.06.18	2018/652
Section 10 (remainder)	26.09.18	2018/940
Section 13	08.08.18	2018/652
Section 14	16.01.19	2018/1246
Section 15(6) (partially)	01.09.17	2017/859
Section 15 (remainder)	31.05.18	2018/652
Section 16(4) to (6) (partially)	01.09.17	2017/859
Section 16 (remainder)	31.05.18	2018/652
Section 17	31.05.18	2018/652
Section 18 (partially)	31.05.18	2018/652
Section 18 (remainder)	30.08.18	2018/940
Section 19 (partially)	31.05.18	2018/652
Section 19 (remainder)	27.06.18	2018/652
Section 20	31.05.18	2018/652
Section 21 (partially)	31.05.18	2018/652
Section 21 (remainder)	30.08.18	2018/940
Section 22	31.05.18	2018/652
Section 23	31.05.18	2018/652
Section 24	27.06.18	2018/652
Section 25	27.06.18	2018/652

(a) Amended by S.I. 2017/143.

Sections 26 to 31	31.05.18	2018/652
Sections 32 to 34	27.06.18	2018/652
Section 35 (partially)	27.06.18	2018/652
Section 35 (remainder)	26.09.18	2018/940
Sections 36 to 39	27.06.18	2018/652
Section 40 (partially)	31.05.18	2018/652
Section 40 (remainder)	27.06.18	2018/652
Sections 41 to 52	27.06.18	2018/652
Section 53	31.05.18	2018/652
Section 54	31.05.18	2018/652
Sections 55 to 57	27.06.18	2018/652
Section 58 (partially)	27.06.18	2018/652
Section 58 (remainder)	26.09.18	2018/940
Section 59	27.06.18	2018/652
Section 60(1) (partially)	13.02.17	2017/137
Section 60 (remainder)	31.05.18	2018/652
Section 61(7) (partially)	30.12.16	2016/1233
Section 87, except subsection (1)(b)	30.12.16	2016/1233
Section 87 (remainder)	01.11.18	2018/873
Section 88	30.12.16	2016/1233
Section 89	01.11.18	2018/873
Section 90(13)	30.12.16	2016/1233
Section 90 (remainder)	01.11.18	2018/873
Section 91	01.11.18	2018/873
Section 92	30.12.16	2016/1233
Section 93	30.12.16	2016/1233
Section 94 (partially)	30.12.16	2016/1233
Section 94 (remainder)	01.11.18	2018/873
Section 95	30.12.16	2016/1233
Section 96	01.11.18	2018/873
Section 97	30.12.16	2016/1233
Section 98	30.12.16	2016/1233
Sections 99 to 101	31.05.18	2018/652
Section 102(1) to (3) (partially)	31.05.18	2018/652
Section 102(1) to (3) (remainder)	27.06.18	2018/652
Section 102(4) (partially)	31.05.18	2018/652
Section 102(4) (partially)	27.06.18	2018/652
Section 102(5) to (9)	31.05.18	2018/652
Section 103 (partially)	31.05.18	2018/652
Section 103 (remainder)	27.06.18	2018/652
Section 104 (partially)	31.05.18	2018/652
Section 104 (remainder)	27.06.18	2018/652
Section 105	31.05.18	2018/652
Section 106 (partially)	28.11.18	2018/1246
Section 106 (remainder)	05.12.18	2018/1246
Section 107	28.11.18	2018/1246
Section 108 (partially)	31.05.18	2018/652
Section 108 (remainder)	28.11.18	2018/1246
Section 109	27.06.18	2018/652
Section 110	27.06.18	2018/652
Section 111 (partially)	31.05.18	2018/652
Section 111 (remainder)	28.11.18	2018/1246
Sections 112 to 114	31.05.18	2018/652

Section 115 (partially)	31.05.18	2018/652
Section 115 (remainder)	28.11.18	2018/1246
Section 116	27.06.18	2018/652
Section 117 (partially)	27.06.18	2018/652
Section 107 (remainder)	05.12.18	2018/1246
Sections 118 to 122	27.06.18	2018/652
Sections 123 and 124	05.12.18	2018/1246
Section 125 (partially)	27.06.18	2018/652
Section 125 (remainder)	05.12.18	2018/1246
Section 126	27.06.18	2018/652
Section 127	27.06.18	2018/652
Section 128 (partially)	27.06.18	2018/652
Section 128 (remainder)	05.12.18	2018/1246
Section 129 (partially)	31.05.18	2018/652
Section 129 (remainder)	28.11.18	2018/1246
Section 130	31.05.18	2018/652
Sections 131 to 134	27.06.18	2018/652
Sections 135 to 137	31.05.18	2018/652
Section 138 (partially)	31.05.18	2018/652
Section 138 (remainder)	27.06.18	2018/652
Sections 139 to 142	31.05.18	2018/652
Sections 143 to 149	27.06.18	2018/652
Section 150	31.05.18	2018/652
Section 151	31.05.18	2018/652
Sections 152 to 156	27.06.18	2018/652
Section 157	31.05.18	2018/652
Section 158 (partially)	25.07.18	2018/873
Section 158 (remainder)	22.08.18	2018/873
Sections 159 to 161	25.07.18	2018/873
Sections 162 to 170	22.08.18	2018/873
Sections 171 and 172	25.07.18	2018/873
Sections 173 and 174	22.08.18	2018/873
Section 175	25.07.18	2018/873
Section 176	31.05.18	2018/652
Section 177	31.05.18	2018/652
Section 178 (partially)	31.05.18	2018/652
Section 178 (remainder)	27.06.18	2018/652
Section 179	31.05.18	2018/652
Section 180	27.06.18	2018/652
Section 181	27.06.18	2018/652
Section 182	31.05.18	2018/652
Section 183	31.05.18	2018/652
Sections 184 to 190	27.06.18	2018/652
Section 191	31.05.18	2018/652
Section 192	31.05.18	2018/652
Sections 193 to 197	27.06.18	2018/652
Section 198	31.05.18	2018/652
Section 199 (partially)	01.09.17	2017/859
Section 199 (remainder)	25.07.18	2018/873
Section 200(3)	25.07.18	2018/873
Section 200 (remainder)	22.08.18	2018/873
Section 201	22.08.18	2018/873
Section 202	25.07.18	2018/873

Section 203	25.07.18	2018/873
Section 204 (partially)	25.07.18	2018/873
Section 204 (remainder)	22.08.18	2018/873
Section 205 (partially)	25.07.18	2018/873
Section 205 (remainder)	22.08.18	2018/873
Sections 206 to 208	25.07.18	2018/873
Sections 209 and 210	22.08.18	2018/873
Sections 211 and 212	25.07.18	2018/873
Sections 213 to 220	22.08.18	2018/873
Section 221	25.07.18	2018/873
Sections 222 to 224	22.08.18	2018/873
Section 225 (partially)	25.07.18	2018/873
Section 225 (remainder)	22.08.18	2018/873
Section 226	25.07.18	2018/873
Section 229 (partially)	13.02.17	2017/137
Section 229 (partially)	01.09.17	2017/859
Section 229 (partially)	12.03.18	2018/341
Section 229 (partially)	27.06.18	2018/652
Section 229 (partially)	22.08.18	2018/873
Section 229 (partially)	01.11.18	2018/873
Section 230	13.02.17	2017/137
Section 231(1) to (8)	27.06.18	2018/652
Section 231(9) (partially)	27.06.18	2018/652
Section 231(9) (partially)	22.08.18	2018/873
Section 231(9) (partially)	26.09.18	2018/940
Section 231(9) (partially)	01.11.18	2018/873
Section 231(9) (partially)	05.12.18	2018/1246
Section 232	13.02.17	2017/137
Section 233(1) (partially)	13.02.17	2017/137
Section 233 (remainder)	01.09.17	2017/859
Section 234 (partially)	13.02.17	2017/137
Section 234 (partially)	01.09.17	2017/859
Section 234 (partially)	27.06.18	2018/652
Section 234 (remainder)	22.08.18	2018/873
Section 235(1) to (4)	13.02.17	2017/137
Section 235(5)	01.09.17	2017/859
Section 235(7)	13.02.17	2017/137
Section 235 (remainder)	27.06.18	2018/652
Section 236	01.09.17	2017/859
Section 237	13.02.17	2017/137
Section 238, except subsection (6)(b) and (c)	13.02.17	2017/137
Section 238 (remainder)	25.07.18	2018/873
Section 239	13.02.17	2017/137
Section 240	01.09.17	2017/859
Section 241	13.02.17	2017/137
Section 242	31.12.18	2018/1379
Section 243 (partially)	12.03.18	2018/341
Section 243 (partially)	27.06.18	2018/652
Section 243 (partially)	22.08.18	2018/873
Section 243 (partially)	30.08.18	2018/940
Section 243 (partially)	01.11.18	2018/873
Section 243 (partially)	05.12.18	2018/1246
Section 244	30.12.16	2016/1233

Section 245	12.03.18	2018/341
Section 246	13.02.17	2017/137
Section 247	13.02.17	2017/137
Section 248 (partially)	31.05.18	2018/652
Section 248 (partially)	27.06.18	2018/652
Section 248 (partially)	30.08.18	2018/940
Section 248 (partially)	26.09.18	2018/940
Section 248 (partially)	28.11.18	2018/1246
Section 248 (remainder)	05.12.18	2018/1246
Section 249 (partially)	30.12.16	2016/1233
Section 249 (partially)	12.03.18	2018/341
Section 249 (remainder)	27.06.18	2018/652
Section 250	13.02.17	2017/137
Section 251	13.02.17	2017/137
Section 252	12.03.18	2018/341
Section 253(3) to (6)	13.02.17	2017/137
Section 253 (remainder)	12.03.18	2018/341
Sections 254 to 258	12.03.18	2018/341
Section 259	27.06.18	2018/652
Section 270 (partially)	30.12.16	2016/1233
Section 270 (partially)	25.07.18	2018/873
Section 270 (partially)	30.08.18	2018/940
Section 271 (partially)	30.12.16	2016/1233
Section 271 (partially)	12.03.18	2018/341
Section 271 (partially)	27.06.18	2018/652
Section 271 (partially)	08.08.18	2018/652
Section 271 (partially)	22.08.18	2018/873
Section 271 (partially)	30.08.18	2018/940
Section 271 (partially)	26.09.18	2018/940
Section 271 (partially)	01.11.18	2018/873
Section 271 (partially)	07.11.18	2018/940
Section 271 (partially)	05.12.18	2018/1246
Schedule 1	27.06.18	2018/652
Schedule 3	27.06.18	2018/652
Schedule 6	28.11.18	2018/1246
Schedule 7	13.02.17	2017/137
Schedule 8, paragraphs 1 and 2 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 1 and 2 (remainder)	06.07.18	2018/817
Schedule 8, paragraph 3 (partially)	30.08.18	2018/940
Schedule 8, paragraph 3 (remainder)	26.09.18	2018/940
Schedule 8, paragraph 4 (partially)	31.05.18	2018/652
Schedule 8, paragraph 4 (remainder)	06.07.18	2018/817
Schedule 8, paragraphs 5 to 7 (partially)	30.08.18	2018/940
Schedule 8, paragraphs 5 to 7 (remainder)	26.09.18	2018/940
Schedule 8, paragraphs 8 to 10 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 8 to 10 (remainder)	06.07.18	2018/817
Schedule 8, paragraphs 11 and 12 (partially)	28.11.18	2018/1246
Schedule 8, paragraphs 11 and 12 (remainder)	05.12.18	2018/1246
Schedule 8, paragraphs 13 and 14 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 13 and 14 (remainder)	06.07.18	2018/817
Schedule 8, paragraph 15	31.05.18	2018/652

Schedule 8, paragraph 16 (partially)	31.05.18	2018/652
Schedule 8, paragraph 16 (remainder)	27.06.18	2018/652
Schedule 8, paragraphs 17 to 19	31.05.18	2018/652
Schedule 8, paragraphs 20 to 23 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 20 to 23 (remainder)	27.06.18	2018/652
Schedule 8, paragraph 24	26.09.18	2018/940
Schedule 8, paragraph 25	27.06.18	2018/652
Schedule 8, paragraph 26	26.09.18	2018/940
Schedule 8, paragraphs 27 to 32	27.06.18	2018/652
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Schedule 9, paragraphs 3 to 5	30.12.16	2016/1233
Schedule 9, paragraph 6	25.07.18	2018/873
Schedule 9, paragraph 7	30.08.18	2018/940
Schedule 9, paragraphs 8 and 9	30.12.16	2016/1233
Schedule 9, paragraph 10	27.06.18	2018/652
Schedule 10, paragraphs 1 to 4	27.06.18	2018/652
Schedule 10, paragraph 5	27.12.18	2018/940
Schedule 10, paragraph 6 (partially)	27.06.18	2018/652
Schedule 10, paragraph 6 (partially)	27.12.18	2018/940
Schedule 10, paragraphs 7 to 35	27.06.18	2018/652
Schedule 10, paragraph 36	27.12.18	2018/940
Schedule 10, paragraph 37	27.06.18	2018/652
Schedule 10, paragraph 38	27.12.18	2018/940
Schedule 10, paragraph 39	27.06.18	2018/652
Schedule 10, paragraph 40	27.12.18	2018/940
Schedule 10, paragraphs 41 to 44	27.06.18	2018/652
Schedule 10, paragraph 45 (partially)	12.03.18	2018/341
Schedule 10, paragraph 45 (partially)	27.06.18	2018/652
Schedule 10, paragraph 45 (partially)	08.08.18	2018/652
Schedule 10, paragraph 45 (partially)	26.09.18	2018/940
Schedule 10, paragraph 45 (partially)	07.11.18	2018/940
Schedule 10, paragraph 45 (remainder)	27.12.18	2018/940
Schedule 10, paragraph 46	30.08.18	2018/940
Schedule 10, paragraph 47	27.12.18	2018/940
Schedule 10, paragraph 48	12.03.18	2018/341
Schedule 10, paragraph 49	27.12.18	2018/940
Schedule 10, paragraphs 50 to 52	27.06.18	2018/652
Schedule 10, paragraph 62	01.11.18	2018/873
Schedule 10, paragraph 63	30.12.16	2016/1233
Schedule 10, paragraphs 64 and 65	27.06.18	2018/652
Schedule 10, paragraph 66	05.12.18	2018/1246
Schedule 10, paragraph 67	01.09.17	2017/859
Schedule 10, paragraph 68	05.12.18	2018/1246
Schedule 10, paragraph 69	01.09.17	2017/859
Schedule 10, paragraph 70	05.12.18	2018/1246
Schedule 10, paragraphs 71 to 98	01.09.17	2017/859
Schedule 10, paragraph 99 (partially)	12.03.18	2018/341
Schedule 10, paragraph 99 (remainder)	22.08.18	2018/873
Schedule 10, paragraph 100	12.03.18	2018/341
Schedule 10, paragraphs 101(1) and (2)	27.06.18	2018/652
Schedule 10, Part 8 (partially)	30.12.16	2016/1233
Schedule 10, Part 8 (partially)	22.08.18	2018/873

Schedule 10, Part 8 (partially)	30.08.18	2018/940
Schedule 10, Part 8 (partially)	07.11.18	2018/940
Schedule 10, Part 8 (partially)	27.12.18	2018/940

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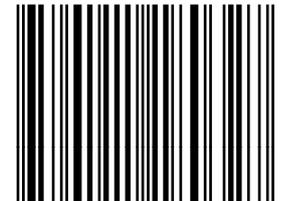
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