



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

78 Orders, regulations and rules.

- (1) This section applies to any power of the Secretary of State [^{F1}or the Lord Chancellor] to make any order, regulations or rules under any provision of this Act.
 - (2) The powers to which this section applies shall be exercisable by statutory instrument.
 - (3) A statutory instrument which contains any order made in exercise of a power to which this section applies (other than the power to appoint a day under section 83(2)) but which contains neither—
 - (a) an order a draft of which has been approved for the purposes of section ^{F2}... ^{F3}... 28(5), 29(6), 30(7), [^{F4}32A(7),] 35(5), 41(6), 47(2), 66(3), 67(11) [^{F5}, 71(9) or 76A(9)] nor
 - (b) the order to which section 35(7) applies,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4) A statutory instrument containing any regulations made in exercise of a power to which this section applies [^{F6}(other than regulations under section 67A(5))] shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F7}(4A) A statutory instrument containing regulations under section 67A(5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 78 is up to date with all changes known to be in force on or before 16 September 2023. 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

- (5) Any order, regulations or rules made in exercise of a power to which this section applies may—
- (a) make different provisions for different cases;
 - (b) contain such incidental, supplemental, consequential and transitional provision as the Secretary of State [^{F8}or (as the case may be) the Lord Chancellor] thinks fit.

Textual Amendments

- F1** Words in s. 78(1) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 16(a)** (with s. 97); S.I. 2012/2075, art. 4(d)
- F2** Words in s. 78(3)(a) omitted (12.3.2018) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 48** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(o)
- F3** Words in s. 78(3)(a) omitted (22.7.2020) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 59** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iii)
- F4** Words in s. 78(3)(a) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 16(b)(ii)** (with s. 97); S.I. 2012/2075, art. 4(d)
- F5** Words in s. 78(3)(a) substituted (26.4.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91, 94, **Sch. 5 para. 80**; S.I. 2004/786, art. 3(1)(2)
- F6** Words in s. 78(4) inserted (31.12.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 242(5)(a)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1379, reg. 2
- F7** S. 78(4A) inserted (31.12.2018) by Investigatory Powers Act 2016 (c. 25), **ss. 242(5)(b)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1379, reg. 2
- F8** Words in s. 78(5) inserted (1.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 16(c)** (with s. 97); S.I. 2012/2075, art. 4(d)

Changes to legislation:

Regulation of Investigatory Powers Act 2000, Section 78 is up to date with all changes known to be in force on or before 16 September 2023. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)