



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART IV

SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

Codes of practice

72 Effect of codes of practice.

- (1) A person exercising or performing any power or duty in relation to which provision may be made by a code of practice under section 71 shall, in doing so, have regard to the provisions (so far as they are applicable) of every code of practice for the time being in force under that section.
- (2) A failure on the part of any person to comply with any provision of a code of practice for the time being in force under section 71 shall not of itself render him liable to any criminal or civil proceedings.
- (3) A code of practice in force at any time under section 71 shall be admissible in evidence in any criminal or civil proceedings.
- (4) If any provision of a code of practice issued or revised under section 71 appears to—
 - (a) the court or tribunal conducting any civil or criminal proceedings,
 - (b) the Tribunal,[^{F1}(ba) the Investigatory Powers Commissioner for Northern Ireland carrying out functions under this Act, or]
[^{F1}(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,]

Changes to legislation: *Regulation of Investigatory Powers Act 2000, Section 72 is up to date with all changes known to be in force on or before 26 July 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*

to be relevant to any question arising in the proceedings, or in connection with the exercise of that jurisdiction or the carrying out of those functions, in relation to a time when it was in force, that provision of the code shall be taken into account in determining that question.

^{F2}(5)

Textual Amendments

- F1** S. 72(4)(ba)(bb) substituted (1.9.2017) for s. 72(4)(c)-(e) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 82(2)** (with [Sch. 9](#) paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)
- F2** S. 72(5) omitted (1.9.2017) by virtue of [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 82(3)** (with [Sch. 9](#) paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)

Modifications etc. (not altering text)

- C1** S. 72(4) modified (31.7.2014) by [The Data Retention Regulations 2014 \(S.I. 2014/2042\)](#), regs. 1(2), **10(4)**, 15(7)

Commencement Information

- I1** S. 72 not in force at Royal Assent see s. 83(2); s. 72 in force for certain purposes at 25.9.2000 and s. 72 in force at 2.10.2000 for certain other purposes by [S.I. 2000/2543](#), **arts. 2, 3**; s. 72 in force for certain other purposes at 13.8.2001 by [S.I. 2001/2727](#), **art. 2**; s. 72 in force for further certain purposes at 1.10.2007 by [S.I. 2007/2196](#), **art. 2(h)**

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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](#)