

SCHEDULES

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”.

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);”.

Regulation of Investigatory Powers Act 2000

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

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

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.”

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.”

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”.

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”.

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”.

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”.

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”.

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.”

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

Status: This is the original version (as it was originally enacted).

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

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”.

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 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”.

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”.

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”.

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”.

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

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”.

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”.

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.”

Terrorist Asset-Freezing etc. Act 2010

- 25 In section 25(2)(b) of the Terrorist Asset-Freezing etc. Act 2010 (application of provisions) 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”.

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.”

Charities Act 2011

- 27 In section 59(1)(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”.

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

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Act 2000” substitute “Investigatory Powers Act 2016 (see section 261(13) of that Act)”.

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”.

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.”

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”.

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”.

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”.

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).

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”.

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”.

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.”

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).”

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;

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- (d) material obtained under the authority of a warrant issued under Chapter 1 of Part 6 of that Act.”

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”.

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”.

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);”.

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”.

Regulation of Investigatory Powers Act 2000

- 44 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 45 Omit Chapter 1 of Part 1 (interception of communications).
- 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.”
- 47 In section 71 (issue and revision of codes of practice) omit subsection (10).
- 48 In section 78(3)(a) (affirmative orders) omit “12(10), 13(3);”.
- 49 (1) Section 81 (general interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “criminal”, omit “or prosecution”, and

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(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.

50 In section 82 (amendments, repeals and savings etc.) omit subsections (4) to (6).

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”.

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),”.

PART 3

ACQUISITION OF COMMUNICATIONS DATA

Regulation of Investigatory Powers Act 2000

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

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

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”.

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

57 (1) Section 77A (procedure for order of sheriff under section 23A or 32A: Scotland) is amended as follows.

(2) In the heading and in subsection (1)—

- (a) for “23A” substitute “75 of the Investigatory Powers Act 2016”, and
- (b) for “or 32A” substitute “or section 32A of this Act”.

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- (3) In subsection (3) for “sections 23B and 32B and this section” substitute “this section, section 32B of this Act and section 75 of the Investigatory Powers Act 2016”.
- 58 (1) Section 77B (procedure for order of district judge under section 23A or 32A: Northern Ireland) is amended as follows.
- (2) In the heading and in subsections (1) and (4) for “section 23A or 32A” substitute “section 32A of this Act or section 75 of the Investigatory Powers Act 2016”.
- (3) In subsection (4) for “sections 23B and 32B” substitute “section 32B of this Act and section 75 of that Act”.
- 59 In section 78(3)(a) (affirmative orders) omit “22(9), 23A(6), 25(5),”.
- 60 In section 81(9) (general interpretation: certain references relating to Northern Ireland) omit “23A(7)(b),”.

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).”

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).

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).

PART 5

EQUIPMENT INTERFERENCE

Regulation of Investigatory Powers Act 2000

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

- 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).”
- 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.”

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

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

Status: This is the original version (as it was originally enacted).

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—
- “(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.”

PART 6

JUDICIAL COMMISSIONERS

Police Act 1997

- 71 The Police Act 1997 is amended as follows.
- 72 In section 103(8) (appeals) for “the period” substitute “any period”.
- 73 In section 105(1)(b)(iii) (reports of appeals dismissed) omit “under section 107(2),”.
- 74 In section 108(1) (interpretation of Part 3) after the definition of “designated deputy” insert—

Status: This is the original version (as it was originally enacted).

““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);”.

Regulation of Investigatory Powers Act 2000

- 75 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 76 In section 37(9)(a) (appeals against decisions of ordinary Surveillance Commissioners) for “the period” substitute “any period”.
- 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”.
- 78 Omit section 40 (information to be provided to Surveillance Commissioners).
- 79 In section 51(7)(b) (notification to Intelligence Services Commissioner or Chief Surveillance Commissioner of certain directions relating to the disclosure of a key to protected information) for “the Commissioner in question” substitute “the Investigatory Powers Commissioner”.
- 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).
- 81 In section 71(2) (issue and revision of codes of practice) for “the Surveillance Commissioners” substitute “a Judicial Commissioner”.
- 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).
- 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”.

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- (3) After the definition of “interception warrant” 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);”.

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

- 84 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.
- 85 In the cross-heading before section 2 (Surveillance Commissioners) for
 “Surveillance” substitute “Judicial”.
- 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”.
- 87 In the heading of section 16 for “Surveillance Commissioners” substitute “Judicial
 Commissioners”.
- 88 Omit section 18 (information to be provided to Surveillance Commissioners).
- 89 In the cross-heading before section 21 (Chief Surveillance Commissioner) for “Chief
 Surveillance” substitute “Investigatory Powers”.
- 90 Omit section 21 (functions of Chief Surveillance Commissioner).
- 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,”.
- 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”.
- 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)”.
- 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);”.

Status: This is the original version (as it was originally enacted).

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

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”.

Protection of Freedoms Act 2012

- 96 The Protection of Freedoms Act 2012 is amended as follows.
- 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”.
- 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”.

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.).

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;”.

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).

Status: This is the original version (as it was originally enacted).

PART 8

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

GENERAL AMENDMENTS

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

LAWFUL INTERCEPTION OF COMMUNICATIONS

| <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. |

Status: This is the original version (as it was originally enacted).

| <i>Title</i> | <i>Extent of repeal or revocation</i> |
|--|---|
| 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. |

ACQUISITION AND RETENTION OF COMMUNICATIONS DATA

| <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). |

JUDICIAL COMMISSIONERS

| <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). |

Status: This is the original version (as it was originally enacted).

| <i>Title</i> | <i>Extent of repeal or revocation</i> |
|--|--|
| Regulation of Investigatory Powers Act 2000 | In Schedule 4, paragraph 8(1), (10) and (11). |
| 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. |

OTHER MINOR AND CONSEQUENTIAL PROVISION

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