

2000 No. 2543 (C. 71)

INVESTIGATORY POWERS

**The Regulation of Investigatory Powers Act 2000
(Commencement No. 1 and Transitional Provisions)
Order 2000**

Made - - - - 17th September 2000

In exercise of the powers conferred on him by sections 83(2) and 78(5) of the Regulation of Investigatory Powers Act 2000(a), the Secretary of State hereby makes the following Order:

Citation

1.—(1) This Order may be cited as the Regulation of Investigatory Powers Act 2000 (Commencement No. 1 and Transitional Provisions) Order 2000.

(2) In this Order, “the Act” means the Regulation of Investigatory Powers Act 2000.

Commencement on 25th September 2000

2. The following provisions of the Act shall come into force on 25th September 2000:

Part II (Surveillance and covert human intelligence sources)

the whole Part (sections 26 to 48).

Part IV (Scrutiny etc. of investigatory powers and of the functions of the intelligence services)

section 61;

section 62, except subsection (1)(b) and (c);

sections 63 and 64;

sections 71 and 72, to the extent that they relate to Part II of the Act, section 5 of the Intelligence Services Act 1994(b) or Part III of the Police Act 1997(c).

Part V (Miscellaneous and supplemental)

sections 74 to 78;

sections 80 and 81;

(a) 2000 c. 23.

(b) 1994 c. 13.

(c) 1997 c. 50.

in section 82, subsections (1) and (2) for the purpose of giving effect to those provisions in Schedules 4 and 5 that are brought into force by virtue of this article.

Schedules

Schedule 1;

in Schedule 4, paragraphs 4, 6 and 8;

in Schedule 5, the entries relating to sections 6 and 7 of the Intelligence Services Act 1994^(a), the Police Act 1997 and the Crime and Disorder Act 1998^(b).

Commencement on 2nd October 2000

3. The following provisions of the Act shall come into force on 2nd October 2000:

Part I (Communications)

section 1, except for subsection (3);

sections 2 to 20;

section 21(4), for the purpose of giving effect to the definition of “related communications data” in section 20.

Part IV (Scrutiny etc. of investigatory powers and of the functions of the intelligence services)

section 57 except subsection (2)(b), (c) and (d)(ii);

section 58 except the following paragraphs of subsection (1): (g), (h), (i) and, in respect of paragraphs (h) and (i), (j);

in section 59, subsections (1), (2)(a) and (3) to (10), and the rest of subsection (2) to the extent that it relates to Part II;

section 60;

in section 65, subsection (1), (2)(a) and (b) (subject to article 6), (3)(a), (b) and (d), (4), (5)(a), (b), (d) and (f), (6), (7), (8)(a), (c) and (f), (9) and (11);

in section 67, subsection (1) to the extent that it relates to section 65(2)(a) and (b), and the rest of the section except subsection (9);

section 68, except the following paragraphs of subsection (7): (g), (h), (m) and, in respect of paragraph (m), (n);

sections 69 and 70;

sections 71 and 72, to the extent that they relate to Chapter I of Part I of the Act.

Part V (Miscellaneous and supplemental)

section 73;

section 79;

section 82, to the extent that it is not in force by virtue of article 2, and subject to articles 5 and 6.

Schedules

Schedule 3;

Schedule 4, to the extent that it is not in force by virtue of article 2, and subject to article 5;

(a) 1994 c. 13.

(b) 1998 c. 37.

Schedule 5, to the extent that it is not in force by virtue of article 2, and subject to article 6.

Commencement on 24th October 2000

4. Section 1(3) of the Act shall come into force on 24th October 2000.

Transitional provision about the Telecommunications Act 1984

5.—(1) The amendment made to section 45 of the Telecommunications Act 1984(a) by paragraph 3 of Schedule 4 to the Act shall come into force on 2nd October 2000 subject to the following provision.

(2) In respect of the disclosure, before the coming into force of sections 21 to 25 of the Act, of matter falling within paragraph (b) of section 45(1) of the Telecommunications Act 1984, the amendment shall not affect the continuing effect of paragraphs (a) and (c) of section 45(2), and of section 45(3).

Transitional provisions about complaints

6.—(1) Section 65(2)(b) of the Act, and the repeal by Schedule 5 of:

- (a) section 7 of and Schedule 1 to the Interception of Communications Act 1985(b),
- (b) section 5 of and Schedules 1 and 2 to the Security Service Act 1989(c),
- (c) section 9 of and Schedules 1 and 2 to the Intelligence Services Act 1994, and
- (d) section 102 of and Schedule 7 to the Police Act 1997(d),

shall come into force on 2nd October 2000 subject to the following provisions.

(2) Any complaint made before 2nd October 2000 to the Tribunal established under section 7 of the Interception of Communications Act 1985 shall be dealt with by that Tribunal in accordance with that Act.

(3) Any complaint made before 2nd October 2000 to the Tribunal established under section 5 of the Security Service Act 1989 shall be dealt with by that Tribunal in accordance with that Act, but the functions of the Commissioner in respect of those complaints shall be discharged by the Intelligence Services Commissioner(e).

(4) Any complaint made before 2nd October 2000 to the Tribunal established under section 9 of the Intelligence Services Act 1994 shall be dealt with by that Tribunal in accordance with that Act, but the functions of the Commissioner in respect of those complaints shall be discharged by the Intelligence Services Commissioner.

(5) Any complaint made before 2nd October 2000 to a Surveillance Commissioner by virtue of section 102 of the Police Act 1997 shall be dealt with by that Commissioner in accordance with that Act.

Home Office
17th September 2000

Charles Clarke
Minister of State

(a) 1984 c. 12.

(b) 1985 c. 56.

(c) 1989 c. 5.

(d) 1997 c. 50.

(e) The Intelligence Services Commissioner is appointed under section 59(1) of the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force much of the Regulation of Investigatory Powers Act 2000.

Part II, which regulates surveillance and the use of covert human intelligence sources, is brought into force on 25th September.

With the exception of subsection 1(3), Chapter I of Part I, which concerns the interception of communications and replaces the Interception of Communications Act 1985, is brought into force on 2nd October. This is also the commencement date for most of Part IV, which establishes judicial Commissioners to oversee the use of the powers conferred by the Act and a Tribunal to consider complaints and cases brought under section 7(1)(a) of the Human Rights Act 1988.

Section 1(3), which concerns interception by the controller of a private telecommunication system, is brought into force on 24th October. This is the date by which Article 5 of the Telecoms Data Protection Directive (97/66/EC) must be implemented.

£1.50

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 1748 09/00 ON (MFK)