

2017 No. 137 (C. 13)

INVESTIGATORY POWERS

**The Investigatory Powers Act 2016 (Commencement No. 2 and
Transitory Provision) Regulations 2017**

Made - - - - *9th February 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 270(2) and 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. 2 and Transitory Provision) Regulations 2017.

(2) In these Regulations “the 2016 Act” means the Investigatory Powers Act 2016.

Appointed Day

2. The following provisions of the 2016 Act come into force on 13th February 2017—

- (a) section 1 (overview of Act);
- (b) section 227 (Investigatory Powers Commissioner and other Judicial Commissioners);
- (c) section 228 (terms and conditions of appointment);
- (d) section 229(6) and (7) (requirement that a Judicial Commissioner must not act in certain ways);
- (e) the definition of “police force” in section 229(9) (definitions in section 229) and section 60(1) for the purpose of the definition of “police force” in section 229(9);
- (f) section 230 (additional directed oversight functions);
- (g) section 232 (additional functions under this Part);
- (h) section 233(1) (functions under other Parts and other enactments) so far as it relates to functions exercisable by virtue of any other Part of the 2016 Act;
- (i) section 234(1), (2)(g) to (i) and (3) to (9) (annual and other reports);
- (j) section 235(1) to (4) and (7) (investigation and information powers);
- (k) section 237 (information gateway);
- (l) section 238 (funding, staff and facilities etc.), other than subsection (6)(b) and (c);
- (m) section 239 (power to modify functions);
- (n) section 241 (codes of practice);
- (o) section 246 (Technology Advisory Panel);

(a) 2016 c. 25.

- (p) section 247 (members of the Panel);
- (q) section 250 (power to develop compliance systems etc.);
- (r) section 251 (amendments of the Intelligence Services Act 1994);
- (s) section 253(3) to (6) (regulations specifying obligations that may be imposed by a technical capability notice);
- (t) Schedule 7 (codes of practice).

Transitory Provision

3. From 13th February 2017 until section 245 of the 2016 Act (Technical Advisory Board) comes into force, the reference to the “Technical Advisory Board” in section 253(6)(a) of the 2016 Act is to be read as a reference to the Technical Advisory Board within the meaning of section 13 of the Regulation of Investigatory Powers Act 2000(a).

Home Office
9th February 2017

Ben Wallace
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations commence provisions of the Investigatory Powers Act 2016 (c. 25) which relate to the Investigatory Powers Commissioner and other Judicial Commissioners. This includes provision for the Commissioners to be appointed and certain functions, such as the making of reports and the provision of information. However, the Commissioners’ main oversight functions and their functions under other enactments are not commenced by these Regulations.

Section 251 of the Act, which makes amendments to the Intelligence Services Act 1994 (c. 13), is also commenced.

These Regulations also commence the power of the Secretary of State to make regulations under section 253(3), which are regulations specifying the obligations that can be imposed on operators under a technical capability notice. Before making such regulations the Secretary of State must consult with, amongst other people, the Technical Advisory Board. Regulation 3 is a transitory provision which means that, until section 245 of the 2016 Act (the section which provides for the continuing existence of the Board) is commenced, the reference to the Technical Advisory Board in section 253 is to be read as a reference to the Technical Advisory Board provided for in the Regulation of Investigatory Powers Act 2000 (c. 23) (“RIPA”). This means that before exercising the power to make regulations under section 253(3), the Secretary of State must consult the Technical Advisory Board provided for in RIPA.

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.

(a) 2000 c. 23.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 (partially)	30.12.16	2016/1233
Section 61(7) (partially)	30.12.16	2016/1233
Section 87, except section 87(1)(b)	30.12.16	2016/1233
Section 88	30.12.16	2016/1233
Section 90(13)	30.12.16	2016/1233
Section 92	30.12.16	2016/1233
Section 93	30.12.16	2016/1233
Section 94 (partially)	30.12.16	2016/1233
Section 95	30.12.16	2016/1233
Section 97	30.12.16	2016/1233
Section 98	30.12.16	2016/1233
Section 244	30.12.16	2016/1233
Section 249 (partially)	30.12.16	2016/1233
Section 270 (partially)	30.12.16	2016/1233
Section 271 (partially)	30.12.16	2016/1233
Schedule 9, paragraphs 3,4, 5, 8 and 9	30.12.16	2016/1233
Schedule 10, paragraph 63 (partially)	30.12.16	2016/1233
Schedule 10, Part 8 (partially)	30.12.16	2016/1233

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