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STATUTORY INSTRUMENTS

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**2018 No. 1246 (C. 89)**

**INVESTIGATORY POWERS**

**The Investigatory Powers Act 2016  
(Commencement No. 9) Regulations 2018**

*Made - - - - 27th November 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 272(1) of the Investigatory Powers Act 2016<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) These Regulations may be cited as the Investigatory Powers Act 2016 (Commencement No. 9) Regulations 2018.

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

**Provisions coming into force on 28th November 2018**

2. The following provisions of the 2016 Act come into force on 28th November 2018—

- (a) in section 106 (power to issue warrants to law enforcement officers)—
  - (i) subsection (1) for the purpose of the law enforcement chief deciding to issue a warrant but not for the purpose of the issuing of a warrant;
  - (ii) subsection (2);
  - (iii) subsections (3) and (4) for the purpose of the law enforcement chief, or appropriate delegate, deciding to issue a warrant but not for the purpose of the issuing of a warrant;
  - (iv) subsections (5) to (14);
- (b) section 107 (restriction on issue of warrants to certain law enforcement officers);
- (c) section 108 (approval of warrants by Judicial Commissioners) so far as not already in force;
- (d) section 111 (members of Parliament etc.) so far as not already in force;
- (e) section 115 (requirements that must be met by warrants) so far as not already in force;
- (f) section 129 (safeguards relating to retention and disclosure of material) so far as not already in force;

- (g) section 248 (combination of warrants and authorisations) for the purpose of the provisions of Schedule 8 coming into force in accordance with paragraph (i) of this regulation;
- (h) Schedule 6 (issue of warrants under section 106 etc: table);
- (i) in Schedule 8 (combination of warrants and authorisations), paragraphs 11 and 12 (combined warrants that may be issued by certain law enforcement chiefs) for the purpose of the law enforcement chief deciding to issue a warrant but not for the purpose of the issuing of a warrant.

### **Provisions coming into force on 5th December 2018**

3. The following provisions of the 2016 Act come into force on 5th December 2018—
- (a) section 106 so far as not already in force;
  - (b) section 117 (renewal of warrants) so far as not already in force;
  - (c) section 123 (modification of warrants issued by law enforcement chiefs);
  - (d) section 124 (approval of modifications under section 123 in urgent cases);
  - (e) section 125 (cancellation of warrants) so far as not already in force;
  - (f) section 128 (duty of telecommunications operators to assist with implementation) so far as not already in force;
  - (g) in section 231(9) (definition of “relevant error”), paragraph (a) to the extent that it applies to an error by a public authority relating to equipment interference, so far as not already in force for that purpose;
  - (h) in section 243(1) (functions of the Tribunal in relation to this Act etc.), paragraphs (d) and (e);
  - (i) section 248 so far as not already in force;
  - (j) section 271(1) (Schedule 10: minor and consequential provision) so far as relating to the provisions coming into force in accordance with paragraph (l) of this regulation;
  - (k) Schedule 8, so far as not already in force;
  - (l) in Schedule 10 (minor and consequential provision)—
    - (i) paragraph 66 (amendment of Schedule 2 to the Regulation of Investigatory Powers Act 2000<sup>(2)</sup>);
    - (ii) paragraph 68 (amendment of the Regulation of Investigatory Powers (Scotland) Act 2000<sup>(3)</sup>);
    - (iii) paragraph 70 (amendment of the Crime and Courts Act 2013<sup>(4)</sup>).

### **Provision coming into force on 16th January 2019**

4. Section 14 of the 2016 Act (restriction on use of section 93 of the Police Act 1997<sup>(5)</sup>) comes into force on 16th January 2019.

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(2) 2000 c. 23.  
 (3) 2000 asp 11.  
 (4) 2013 c. 22.  
 (5) 1997 c. 50.

27th November 2018

*Ben Wallace*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 brings into force, on 28th November 2018, the power of law enforcement chiefs to decide to issue equipment interference warrants and the function of Judicial Commissioners to approve those decisions.

Regulation 3 brings into force, on 5th December 2018, the provisions necessary for equipment interference warrants to be issued by law enforcement chiefs.

Regulation 4 brings into force, on 16th January 2019, the prohibition such that law enforcement agencies may not make applications for property interference authorisations under section 93 of the Police Act 1997 (c. 50) where the purpose of the interference is to obtain communications, private information or equipment data, if the applicant considers the conduct constitutes an offence under sections 1 to 3A of the Computer Misuse Act 1990 (c. 18) and the conduct can be authorised under an equipment interference warrant.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

## 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.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	13.02.17	2017/137(6)
Section 2 (partially)	30.12.16	2016/1233
Section 2 (partially)	12.03.18	2018/341
Section 2 (partially)	31.05.18	2018/652
Section 2 (partially)	27.06.18	2018/652
Section 2 (partially)	25.07.18	2018/873
Section 2 (partially)	22.08.18	2018/873
Section 3	27.06.18	2018/652
Sections 4 to 6	31.05.18	2018/652
Section 7	27.06.18	2018/652
Section 8	27.06.18	2018/652
Section 9 (partially)	27.06.18	2018/652
Section 9 (remainder)	26.09.18	2018/940

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(6) Amended by S.I. 2017/143.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10(1) and (2) (partially)	27.06.18	2018/652
Section 10(3) (partially)	31.05.18	2018/652
Section 10(3) (remainder)	27.06.18	2018/652
Section 10 (remainder)	26.09.18	2018/940
Section 13	08.08.18	2018/652
Section 15(6) (partially)	01.09.17	2017/859
Section 15 (remainder)	31.05.18	2018/652
Section 16(4) to (6) (partially)	01.09.17	2017/859
Section 16 (remainder)	31.05.18	2018/652
Section 17	31.05.18	2018/652
Section 18 (partially)	31.05.18	2018/652
Section 18 (remainder)	30.08.18	2018/940
Section 19 (partially)	31.05.18	2018/652
Section 19 (remainder)	27.06.18	2018/652
Section 20	31.05.18	2018/652
Section 21 (partially)	31.05.18	2018/652
Section 21 (remainder)	30.08.18	2018/940
Section 22	31.05.18	2018/652
Section 23	31.05.18	2018/652
Section 24	27.06.18	2018/652
Section 25	27.06.18	2018/652
Sections 26 to 31	31.05.18	2018/652
Sections 32 to 34	27.06.18	2018/652
Section 35 (partially)	27.06.18	2018/652
Section 35 (remainder)	26.09.18	2018/940
Sections 36 to 39	27.06.18	2018/652
Section 40 (partially)	31.05.18	2018/652
Section 40 (remainder)	27.06.18	2018/652
Sections 41 to 52	27.06.18	2018/652
Section 53	31.05.18	2018/652
Section 54	31.05.18	2018/652
Sections 55 to 57	27.06.18	2018/652
Section 58 (partially)	27.06.18	2018/652
Section 58 (remainder)	26.09.18	2018/940

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 59	27.06.18	2018/652
Section 60(1) (partially)	13.02.17	2017/137
Section 60 (remainder)	31.05.18	2018/652
Section 61(7) (partially)	30.12.16	2016/1233
Section 87, except subsection (1)(b)	30.12.16	2016/1233
Section 87 (remainder)	01.11.18	2018/873
Section 88	30.12.16	2016/1233
Section 89	01.11.18	2018/873
Section 90(13)	30.12.16	2016/1233
Section 90 (remainder)	01.11.18	2018/873
Section 91	01.11.18	2018/873
Section 92	30.12.16	2016/1233
Section 93	30.12.16	2016/1233
Section 94 (partially)	30.12.16	2016/1233
Section 94 (remainder)	01.11.18	2018/873
Section 95	30.12.16	2016/1233
Section 96	01.11.18	2018/873
Section 97	30.12.16	2016/1233
Section 98	30.12.16	2016/1233
Sections 99 to 101	31.05.18	2018/652
Section 102(1) to (3) (partially)	31.05.18	2018/652
Section 102(1) to (3) (remainder)	27.06.18	2018/652
Section 102(4) (partially)	31.05.18	2018/652
Section 102(4) (partially)	27.06.18	2018/652
Section 102(5) to (9)	31.05.18	2018/652
Section 103 (partially)	31.05.18	2018/652
Section 103 (remainder)	27.06.18	2018/652
Section 104 (partially)	31.05.18	2018/652
Section 104 (remainder)	27.06.18	2018/652
Section 105	31.05.18	2018/652
Section 108 (partially)	31.05.18	2018/652
Section 109	27.06.18	2018/652
Section 110	27.06.18	2018/652
Section 111 (partially)	31.05.18	2018/652

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 112 to 114	31.05.18	2018/652
Section 115 (partially)	31.05.18	2018/652
Section 116	27.06.18	2018/652
Section 117 (partially)	27.06.18	2018/652
Sections 118 to 122	27.06.18	2018/652
Section 125 (partially)	27.06.18	2018/652
Section 126	27.06.18	2018/652
Section 127	27.06.18	2018/652
Section 128 (partially)	27.06.18	2018/652
Section 129 (partially)	31.05.18	2018/652
Section 130	31.05.18	2018/652
Sections 131 to 134	27.06.18	2018/652
Sections 135 to 137	31.05.18	2018/652
Section 138 (partially)	31.05.18	2018/652
Section 138 (remainder)	27.06.18	2018/652
Sections 139 to 142	31.05.18	2018/652
Sections 143 to 149	27.06.18	2018/652
Section 150	31.05.18	2018/652
Section 151	31.05.18	2018/652
Sections 152 to 156	27.06.18	2018/652
Section 157	31.05.18	2018/652
Section 158 (partially)	25.07.18	2018/873
Section 158 (remainder)	22.08.18	2018/873
Sections 159 to 161	25.07.18	2018/873
Sections 162 to 170	22.08.18	2018/873
Sections 171 and 172	25.07.18	2018/873
Sections 173 and 174	22.08.18	2018/873
Section 175	25.07.18	2018/873
Section 176	31.05.18	2018/652
Section 177	31.05.18	2018/652
Section 178 (partially)	31.05.18	2018/652
Section 178 (remainder)	27.06.18	2018/652
Section 179	31.05.18	2018/652
Section 180	27.06.18	2018/652

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 181	27.06.18	2018/652
Section 182	31.05.18	2018/652
Section 183	31.05.18	2018/652
Sections 184 to 190	27.06.18	2018/652
Section 191	31.05.18	2018/652
Section 192	31.05.18	2018/652
Sections 193 to 197	27.06.18	2018/652
Section 198	31.05.18	2018/652
Section 199 (partially)	01.09.17	2017/859
Section 199 (remainder)	25.07.18	2018/873
Section 200(3)	25.07.18	2018/873
Section 200 (remainder)	22.08.18	2018/873
Section 201	22.08.18	2018/873
Section 202	25.07.18	2018/873
Section 203	25.07.18	2018/873
Section 204 (partially)	25.07.18	2018/873
Section 204 (remainder)	22.08.18	2018/873
Section 205 (partially)	25.07.18	2018/873
Section 205 (remainder)	22.08.18	2018/873
Sections 206 to 208	25.07.18	2018/873
Sections 209 and 210	22.08.18	2018/873
Sections 211 and 212	25.07.18	2018/873
Sections 213 to 220	22.08.18	2018/873
Section 221	25.07.18	2018/873
Sections 222 to 224	22.08.18	2018/873
Section 225 (partially)	25.07.18	2018/873
Section 225 (remainder)	22.08.18	2018/873
Section 226	25.07.18	2018/873
Section 229 (partially)	13.02.17	2017/137
Section 229 (partially)	01.09.17	2017/859
Section 229 (partially)	12.03.18	2018/341
Section 229 (partially)	27.06.18	2018/652
Section 229 (partially)	22.08.18	2018/873
Section 229 (partially)	01.11.18	2018/873



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 230	13.02.17	2017/137
Section 231(1) to (8)	27.06.18	2018/652
Section 231(9) (partially)	27.06.18	2018/652
Section 231(9) (partially)	22.08.18	2018/873
Section 231(9) (partially)	01.11.18	2018/873
Section 231(9) (partially)	26.09.18	2018/940
Section 232	13.02.17	2017/137
Section 233(1) (partially)	13.02.17	2017/137
Section 233 (remainder)	01.09.17	2017/859
Section 234 (partially)	13.02.17	2017/137
Section 234 (partially)	01.09.17	2017/859
Section 234 (partially)	27.06.18	2018/652
Section 234 (remainder)	22.08.18	2018/873
Section 235(1) to (4)	13.02.17	2017/137
Section 235(5)	01.09.17	2017/859
Section 235(7)	13.02.17	2017/137
Section 235 (remainder)	27.06.18	2018/652
Section 236	01.09.17	2017/859
Section 237	13.02.17	2017/137
Section 238, except subsection (6)(b) and (c)	13.02.17	2017/137
Section 238 (remainder)	25.07.18	2018/873
Section 239	13.02.17	2017/137
Section 240	01.09.17	2017/859
Section 241	13.02.17	2017/137
Section 243 (partially)	12.03.18	2018/341
Section 243 (partially)	27.06.18	2018/652
Section 243 (partially)	22.08.18	2018/873
Section 243 (partially)	30.08.18	2018/940
Section 243 (partially)	01.11.18	2018/873
Section 244	30.12.16	2016/1233
Section 245	12.03.18	2018/341
Section 246	13.02.17	2017/137
Section 247	13.02.17	2017/137
Section 248 (partially)	31.05.18	2018/652

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 248 (partially)	27.06.18	2018/652
Section 248 (partially)	30.08.18	2018/940
Section 248 (partially)	26.09.18	2018/940
Section 249 (partially)	30.12.16	2016/1233
Section 249 (partially)	12.03.18	2018/341
Section 249 (remainder)	27.06.18	2018/652
Section 250	13.02.17	2017/137
Section 251	13.02.17	2017/137
Section 252	12.03.18	2018/341
Section 253(3) to (6)	13.02.17	2017/137
Section 253 (remainder)	12.03.18	2018/341
Sections 254 to 258	12.03.18	2018/341
Section 259	27.06.18	2018/652
Section 270 (partially)	30.12.16	2016/1233
Section 270 (partially)	25.07.18	2018/873
Section 270 (partially)	30.08.18	2018/940
Section 271 (partially)	30.12.16	2016/1233
Section 271 (partially)	12.03.18	2018/341
Section 271 (partially)	27.06.18	2018/652
Section 271 (partially)	08.08.18	2018/652
Section 271 (partially)	22.08.18	2018/873
Section 271 (partially)	30.08.18	2018/940
Section 271 (partially)	26.09.18	2018/940
Section 271 (partially)	01.11.18	2018/873
Schedule 1	27.06.18	2018/652
Schedule 3	27.06.18	2018/652
Schedule 7	13.02.17	2017/137
Schedule 8, paragraphs 1 and 2 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 1 and 2 (remainder)	06.07.18	2018/817
Schedule 8, paragraph 3 (partially)	30.08.18	2018/940
Schedule 8, paragraph 3 (remainder)	26.09.18	2018/940
Schedule 8, paragraph 4 (partially)	31.05.18	2018/652
Schedule 8, paragraph 4 (remainder)	06.07.18	2018/817
Schedule 8, paragraphs 5 to 7 (partially)	30.08.18	2018/940

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 8, paragraphs 5 to 7 (remainder)	26.09.18	2018/940
Schedule 8, paragraphs 8, 9, 10, 13 and 14 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 8, 9, 10, 13 and 14 (remainder)	06.07.18	2018/817
Schedule 8, paragraph 15	31.05.18	2018/652
Schedule 8, paragraph 16 (partially)	31.05.18	2018/652
Schedule 8, paragraph 16 (remainder)	27.06.18	2018/652
Schedule 8, paragraphs 17 to 19	31.05.18	2018/652
Schedule 8, paragraphs 20 to 23 (partially)	31.05.18	2018/652
Schedule 8, paragraphs 20 to 23 (remainder)	27.06.18	2018/652
Schedule 8, paragraph 24	26.09.18	2018/940
Schedule 8, paragraph 25	27.06.18	2018/652
Schedule 8, paragraph 26	26.09.18	2018/940
Schedule 8, paragraphs 27 to 32	27.06.18	2018/652
Schedule 8, paragraph 33	31.05.18	2018/652
Schedule 9, paragraph 1	27.06.18	2018/652
Schedule 9, paragraphs 3 to 5	30.12.16	2016/1233
Schedule 9, paragraph 6	25.07.18	2018/873
Schedule 9, paragraph 7	30.08.18	2018/940
Schedule 9, paragraphs 8 and 9	30.12.16	2016/1233
Schedule 9, paragraph 10	27.06.18	2018/652
Schedule 10, paragraphs 1 to 4	27.06.18	2018/652
Schedule 10, paragraph 5	27.12.18	2018/940
Schedule 10, paragraph 6 (partially)	27.06.18	2018/652
Schedule 10, paragraph 6 (partially)	27.12.18	2018/940
Schedule 10, paragraphs 7 to 35	27.06.18	2018/652
Schedule 10, paragraph 36	27.12.18	2018/940
Schedule 10, paragraph 37	27.06.18	2018/652
Schedule 10, paragraph 38	27.12.18	2018/940
Schedule 10, paragraph 39	27.06.18	2018/652
Schedule 10, paragraph 40	27.12.18	2018/940
Schedule 10, paragraphs 41 to 44	27.06.18	2018/652
Schedule 10, paragraph 45 (partially)	12.03.18	2018/341
Schedule 10, paragraph 45 (partially)	27.06.18	2018/652

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Schedule 10, paragraph 45 (partially)	08.08.18	2018/652
Schedule 10, paragraph 45 (partially)	26.09.18	2018/940
Schedule 10, paragraph 45 (partially)	07.11.18	2018/940
Schedule 10, paragraph 45 (remainder)	27.12.18	2018/940
Schedule 10, paragraph 46	30.08.18	2018/940
Schedule 10, paragraph 47	27.12.18	2018/940
Schedule 10, paragraph 48	12.03.18	2018/341
Schedule 10, paragraph 49	27.12.18	2018/940
Schedule 10, paragraphs 50 to 52	27.06.18	2018/652
Schedule 10, paragraph 62	01.11.18	2018/873
Schedule 10, paragraph 63	30.12.16	2016/1233
Schedule 10, paragraphs 64 and 65	27.06.18	2018/652
Schedule 10, paragraphs 67, 69 and 71 to 98	01.09.17	2017/859
Schedule 10, paragraph 99 (partially)	12.03.18	2018/341
Schedule 10, paragraph 99 (remainder)	22.08.18	2018/873
Schedule 10, paragraph 100	12.03.18	2018/341
Schedule 10, paragraphs 101(1) and (2)	27.06.18	2018/652
Schedule 10, Part 8 (partially)	30.12.16	2016/1233
Schedule 10, Part 8 (partially)	22.08.18	2018/873
Schedule 10, Part 8 (partially)	30.08.18	2018/940
Schedule 10, Part 8 (partially)	07.11.18	2018/940
Schedule 10, Part 8 (partially)	27.12.18	2018/940