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STATUTORY INSTRUMENTS

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**2018 No. 652**

**The Investigatory Powers Act 2016 (Commencement No. 5  
and Transitional and Saving Provisions) Regulations 2018**

**PART 2**

**TRANSITIONAL AND SAVING PROVISIONS**

**CHAPTER 1**

**Transitional and saving provisions regarding interception**

**Safeguards relating to retention and disclosure of material**

**15.—(1)** Until 27th June 2018—

- (a) section 19 of the 2016 Act has effect as if the references in subsections (1)(c) and (3)(c) to sections 53 and 54 included references to section 15 of RIPA <sup>M1</sup>;
- (b) section 21 of the 2016 Act has effect as if the references in subsections (1)(d) and (3)(d) to sections 53 and 54 included references to section 15 of RIPA;
- (c) section 138 of the 2016 Act has effect as if the reference in subsection (1)(e) to sections 150 and 151 included a reference to section 15 of RIPA.

(2) In its application to targeted interception warrants or bulk interception warrants by virtue of paragraph (1), section 15 of RIPA has effect as if—

- (a) references to related communications data included references to secondary data;
- (b) references to intercepted material included references to intercepted content.

(3) Until 27th December 2018—

- (a) section 150 of the 2016 Act (safeguards relating to retention and disclosure of material) has effect as if after “152”, in each place it occurs there were inserted “ of this Act or section 16 of the Regulation of Investigatory Powers Act 2000 <sup>M2</sup> ”;
- (b) section 16 of RIPA has effect as if—
  - (i) references to intercepted material included references to intercepted content;
  - (ii) in subsection (1)—

(aa) the reference to section 15 included a reference to section 150 of the 2016 Act;

(bb) the reference to a warrant in relation to which there is a section 8(4) certificate included a reference to a bulk interception warrant (within the meaning of section 136(1) of the 2016 Act).

(4) Until the repeal of Chapter 1 of Part 1 of RIPA by paragraph 45 of Schedule 10 to the 2016 Act is fully in force—

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**Changes to legislation:** There are currently no known outstanding effects for the The Investigatory Powers Act 2016 (Commencement No. 5 and Transitional and Saving Provisions) Regulations 2018, Section 15. (See end of Document for details)

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- (a) section 55 of the 2016 Act (additional safeguards for items subject to legal privilege) has effect as if the reference in subsection (1) to a targeted interception warrant includes a reference to a warrant under Chapter 1 of Part 1 of RIPA;
- (b) section 153 of the 2016 Act (additional safeguards for items subject to legal privilege) has effect as if the reference in subsection (1) to a bulk interception warrant includes a reference to a warrant under Chapter 1 of Part 1 of RIPA in relation to which there is a certificate issued for the purpose of section 8(4) of that Act;
- (c) section 154 of the 2016 Act (additional safeguard for confidential journalistic material) has effect as if the reference in paragraph (a) to a bulk interception warrant includes a reference to a warrant under Chapter 1 of Part 1 of RIPA in relation to which there is a certificate issued for the purpose of section 8(4) of that Act.

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**Marginal Citations**

- M1** The duty imposed on the Secretary of State by section 15(1) is imposed on the Scottish Ministers by [S.I. 2003/2617](#) in relation to warrants under section 5 issued by the Scottish Ministers.
- M2** [Section 16](#) was amended by section 32(5) to (7) of the [Terrorism Act 2006 \(c. 11\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Investigatory Powers Act 2016 (Commencement No. 5 and Transitional and Saving Provisions) Regulations 2018, Section 15.