
STATUTORY INSTRUMENTS

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

Transitional provisions regarding material obtained under RIPA

16.—(1) This regulation applies 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.

(2) The reference in section 15(3) of the 2016 Act to a bulk interception warrant under Chapter 1 of Part 6 includes a reference to a warrant under Chapter 1 of Part 1 of RIPA—

- (a) which was issued on an application made by or on behalf of the head of an intelligence service, and
- (b) in relation to which there is a certificate issued for the purpose of section 8(4) of that Act.

(3) In relation to a warrant under Chapter 1 of Part 1 of RIPA issued on an application made by or on behalf of the head of an intelligence service, section 15 of RIPA (general safeguards) has effect as if—

- (a) in subsection (1), for paragraphs (a) and (b) there were substituted—

“(a) in the case of warrants in relation to which there are not section 8(4) certificates, that the requirements of subsections (2) and (3) of this section or section 53(2) and (5) of the Investigatory Powers Act 2016 are satisfied in relation to the intercepted material and any related communications data, and

- (b) in the case of warrants in relation to which there are section 8(4) certificates—

- (i) that the requirements of subsections (2) and (3) are satisfied in relation to the intercepted material and any related communications data and that the requirements of section 16 are also satisfied, or

- (ii) that the requirements of section 150(2) and (5) of the Investigatory Powers Act 2016 are satisfied in relation to the intercepted material and any related communications data and that the requirements of section 152 of that Act are also satisfied.”;

- (b) in subsection (6)(b), for “the requirements of subsection (7) are satisfied” there were substituted—

“(i) in the case of warrants in relation to which there are not section 8(4) certificates, the requirements of subsection (7) or of section 54(2) of the Investigatory Powers Act 2016 are satisfied, or

(ii) in the case of warrants in relation to which there are section 8(4) certificates, the requirements of subsection (7) or of section 151(2) of the Investigatory Powers Act 2016 are satisfied.”.

(4) In relation to a warrant under Chapter 1 of Part 1 of RIPA issued on an application made by or on behalf of the Chief of Defence Intelligence, section 15 of RIPA (general safeguards) has effect as if—

(a) in subsection (1)(a), after “subsection (3)” there were inserted “ or of section 53(2) and (5) of the Investigatory Powers Act 2016 ”;

(b) in subsection (6)(b), after “subsection (7)” there were inserted “ or of section 54(2) of the Investigatory Powers Act 2016 ”.

(5) In its application to warrants under Chapter 1 of Part 1 of RIPA by virtue of paragraph (3), section 152 of the 2016 Act has effect as if—

(i) in subsection (1), after “section 150” there were inserted “ or of section 15 of the Regulation of Investigatory Powers Act 2000 ”;

(ii) in subsection (2), for the words “warrant in accordance” to the end there were substituted “ list of operational purposes (within the meaning in section 142(4)). ”;

(iii) references to secondary data include references to related communications data (as defined in section 20 of RIPA);

(iv) references to intercepted content include references to intercepted material (as defined in section 20 of RIPA).

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 16.