
STATUTORY INSTRUMENTS

2018 No. 940

The Investigatory Powers Act 2016 (Commencement No. 8 and Transitional and Saving Provisions) Regulations 2018

Provisions coming into force on 30th August 2018

- 2.—(1) The following provisions of the 2016 Act come into force on 30th August 2018—
- (a) section 18 (persons who may apply for issue of a warrant), so far as not already in force;
 - (b) section 21 (power of Scottish Ministers to issue warrants), so far as not already in force;
 - (c) in section 243(1) (functions of the Tribunal in relation to this Act etc.), paragraph (g) (amendment of section 65(7ZA) of RIPA (role for the Tribunal where judicial authority involved));
 - (d) section 248 (combination of warrants and authorisations) for the purpose of the provisions of Schedule 8 coming into force in accordance with sub-paragraph (f) of this regulation;
 - (e) section 271(1) (Schedule 10: minor and consequential provision) so far as relating to the provisions coming into force in accordance with sub-paragraph (h) of this regulation;
 - (f) in Schedule 8 (combination of warrants and authorisations), paragraphs 3 and 5 to 7 (combined warrants that may be issued on application by or on behalf of certain intercepting authorities) for the purpose of the Secretary of State or the Scottish Ministers deciding to issue a combined warrant but not for the purpose of the issuing of such a warrant;
 - (g) in Schedule 9 (transitional, transitory and saving provision), paragraph 7 (savings for particular purposes), and section 270(1) so far as it relates to that paragraph;
 - (h) in Schedule 10 (minor and consequential provision)—
 - (i) paragraph 46 (amendment of section 49 of RIPA);
 - (ii) in Part 8 (repeals and revocations consequential on other repeals or amendments in this Act), the repeal or revocation of the following provisions—
 - (aa) paragraphs 7(2) and 9 of Schedule 4 to RIPA;
 - (bb) paragraphs 20 and 21 of Schedule 2 to the Inquiries Act 2005⁽¹⁾;
 - (cc) paragraphs 22 and 23 of Schedule 7 to the Wireless Telegraphy Act 2006⁽²⁾;
 - (dd) paragraph 208 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006⁽³⁾;
 - (ee) paragraph 169 of Schedule 16 to the Armed Forces Act 2006⁽⁴⁾;
 - (ff) sections 69 and 74 of the Counter-Terrorism Act 2008⁽⁵⁾;
 - (gg) section 100 of the Policing and Crime Act 2009⁽⁶⁾;

(1) 2005 c. 12.
(2) 2006 c. 36.
(3) 2006 c. 43.
(4) 2006 c. 52.
(5) 2008 c. 28.
(6) 2009 c. 26.

- (hh) section 28(2) and (3) of the Terrorist Asset-Freezing etc. Act 2010**(7)**;
- (ii) paragraph 4 of Schedule 7 to the Terrorism Prevention and Investigation Measures Act 2011**(8)**;
- (jj) regulations 2(1) and (4) and 3 of, and the Schedule to, the Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011**(9)**;
- (kk) paragraph 98 of Schedule 5 to the Health and Social Care Act 2012**(10)**;
- (ll) section 16 of, and paragraph 11 of Schedule 2 to, the Justice and Security Act 2013**(11)**;
- (mm) paragraph 78 of Schedule 8 and paragraph 125 of Schedule 9 to the Crime and Courts Act 2013**(12)**;
- (nn) section 15(3) of, and paragraph 2 of Schedule 8 to, the Counter-Terrorism and Security Act 2015**(13)**;
- (oo) the repeals and revocations listed in the table with the heading “Judicial Commissioners”.

(2) Until 26th September 2018, the Secretary of State and the Scottish Ministers may not, on an application by or on behalf of a relevant intercepting authority, issue a warrant under Chapter 1 of Part 2 of the 2016 Act (but may make a decision regarding the issuing of such a warrant).

(7) 2010 c. 38.
(8) 2011 c. 23.
(9) S.I. 2011/1340.
(10) 2012 c. 7.
(11) 2013 c. 18.
(12) 2013 c. 22.
(13) 2015 c. 6.