

*Status: Point in time view as at 29/11/2016.*

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VALID FROM 30/12/2016

## SCHEDULES

VALID FROM 27/06/2018

### SCHEDULE 1

Section 7

#### MONETARY PENALTY NOTICES

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VALID FROM 22/07/2020

### SCHEDULE 2

Section 12(1)

#### ABOLITION OF DISCLOSURE POWERS

##### *Health and Safety at Work etc. Act 1974*

1 In section 20 of the Health and Safety at Work etc. Act 1974 (powers of inspectors), at end, insert—

“(9) Nothing in this section is to be read as enabling an inspector to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(10) In subsection (9) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

##### *Criminal Justice Act 1987*

2 In section 2 of the Criminal Justice Act 1987 (investigation powers of Director of Serious Fraud Office), after subsection (10), insert—

“(10A) Nothing in this section is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(10B) In subsection (10A) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

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### *Consumer Protection Act 1987*

In section 29 of the Consumer Protection Act 1987 (powers of search etc.), at end, insert—

“(8) The officer may not exercise a power under this section to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(9) In subsection (8) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

### *Environmental Protection Act 1990*

In section 71 of the Environmental Protection Act 1990 (obtaining of information from persons and authorities), at end, insert—

“(5) Nothing in this section is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(6) In subsection (5) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

### *Social Security Administration Act 1992*

In section 109B of the Social Security Administration Act 1992 (power to require information)—

- (a) in subsection (2A) omit paragraph (j),
- (b) in subsection (2E) for the words from “for” to the end of the subsection substitute “ so as to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator. ”,
- (c) omit subsection (2F), and
- (d) in subsection (7)—

(i) after the definition of “bank” insert—

““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”,

(ii) after the definition of “insurer” insert—

““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and

(iii) for the definition of “telecommunications service” substitute—

““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”

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6 In section 109C of the Social Security Administration Act 1992 (powers of entry) for subsection (6) substitute—

“(6) Subsections (2E) and (5) of section 109B apply for the purposes of this section as they apply for the purposes of that section.”

*Social Security Administration (Northern Ireland) Act 1992*

7 In section 103B of the Social Security Administration (Northern Ireland) Act 1992 (power to require information)—

- (a) in subsection (2A) omit paragraph (i),
- (b) in subsection (2E) for the words from “for” to the end of the subsection substitute “ so as to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator. ”,
- (c) omit subsection (2F), and
- (d) in subsection (7)—
  - (i) after the definition of “bank” insert—

““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”

- (ii) after the definition of “insurer” insert—

““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and

- (iii) for the definition of “telecommunications service” substitute—

““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”

8 In section 103C of the Social Security Administration (Northern Ireland) Act 1992 (powers of entry) for subsection (6) substitute—

“(6) Subsections (2E) and (5) of section 103B apply for the purposes of this section as they apply for the purposes of that section.”

*Financial Services and Markets Act 2000*

9 In section 175 of the Financial Services and Markets Act 2000 (information gathering and investigations: supplemental provision), after subsection (5), insert—

“(5A) Nothing in this Part is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

(5B) In subsection (5A) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

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*Finance Act 2008*

10 In Schedule 36 to the Finance Act 2008 (information and inspection powers), in paragraph 19 (restrictions on powers: types of information), at end, insert—

“(4) An information notice does not require a telecommunications operator or postal operator to provide or produce communications data.

(5) In sub-paragraph (4) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).”

*Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 (S.I. 2014/899)*

11 In regulation 4 of the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 (power to require information from persons who provide telecommunications services etc.)—

- (a) omit sub-paragraph (f) of paragraph (3),
- (b) in sub-paragraph (g) of that paragraph for “(f)” substitute “(e)”,
- (c) omit paragraphs (6) and (7),
- (d) after paragraph (10) insert—

“(10A) Nothing in this regulation is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.”, and

(e) in paragraph (11)—

(i) after the definition of “bank” insert—

““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”,

(ii) after the definition of “family” insert—

““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and

(iii) for the definition of “telecommunications service” substitute—

““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”

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VALID FROM 27/06/2018

SCHEDULE 3

Section 56

EXCEPTIONS TO SECTION 56

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VALID FROM 05/02/2019

SCHEDULE 4

Section 70(1)

RELEVANT PUBLIC AUTHORITIES AND DESIGNATED SENIOR OFFICERS ETC.

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VALID FROM 05/02/2019

SCHEDULE 5

Section 83(5)

TRANSFER AND AGENCY ARRANGEMENTS WITH  
PUBLIC AUTHORITIES: FURTHER PROVISIONS

*Particular safeguards in connection with operation of section 69*

- 1
- (1) The following provisions apply where the functions of the Secretary of State under section 67 are exercisable by a public authority by virtue of regulations under section 83(1).
  - (2) The measures adopted or arrangements made by the public authority for the purpose of complying with the requirements of section 69 must be such as are approved by the Secretary of State.
  - (3) Any report required by section 69(6)(b) or (8) must be made to the Secretary of State as well as to the Investigatory Powers Commissioner.

*Requirement for public authority to provide reports to Secretary of State*

- 2
- (1) A public authority, when exercising functions by virtue of regulations under section 83(1), must at least once in each calendar year make a report to the Secretary of State on—
    - (a) the discharge of the functions, and
    - (b) such other matters as the Secretary of State may by regulations require.

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(2) Regulations under section 83(1) may, in particular, modify sub-paragraph (1) as it has effect in relation to the calendar year in which the regulations come into force or are revoked.

(3) The Secretary of State may agree to a report under this paragraph being combined with any other report which the public authority concerned is required to, or may, make to the Secretary of State.

*Transfer schemes in connection with transfer of functions*

(1) The Secretary of State may, in connection with regulations under section 83(1), make a scheme for the transfer of property, rights or liabilities.

(2) The things that may be transferred under a transfer scheme include—

- (a) property, rights and liabilities which could not otherwise be transferred,
- (b) property acquired, and rights and liabilities arising, after the making of the scheme.

(3) A transfer scheme may make consequential, supplementary, incidental, transitional, transitory or saving provision and may, in particular—

- (a) create rights, or impose liabilities, in relation to property or rights transferred,
- (b) make provision about the continuing effect of things done by, on behalf of or in relation to the transferor in respect of anything transferred,
- (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in respect of anything transferred,
- (d) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee,
- (e) make provision for the shared ownership or use of property,
- (f) if the TUPE regulations do not apply in relation to the transfer, make provision which is the same or similar.

(4) A transfer scheme may provide—

- (a) for modification by agreement,
- (b) for modifications to have effect from the date when the original scheme came into effect.

(5) A transfer scheme may confer a discretion on the Secretary of State to pay compensation to any person whose interests are adversely affected by the scheme.

(6) A transfer scheme may be included in regulations under section 83(1) but, if not so included, must be laid before Parliament after being made.

(7) For the purposes of this paragraph references to rights and liabilities include references to—

- (a) rights and liabilities relating to a contract of employment, and
- (b) rights and liabilities of the Crown relating to the terms of employment of individuals in the civil service.

(8) Accordingly, a transfer scheme may, in particular, provide—

- (a) for—

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- (i) an individual employed in the civil service to become an employee of the transferee, or
- (ii) an employee of the transferor to become an employee of the transferee or an individual employed in the civil service,
- (b) for—
  - (i) the individual's terms of employment in the civil service to have effect (subject to any necessary modifications) as the terms of the individual's contract of employment with the transferee, or
  - (ii) (as the case may be) the individual's contract of employment to have effect (subject to any necessary modifications) as the terms of the individual's contract of employment with the transferee or, where the transferee is the Secretary of State, the individual's terms of employment with the civil service,
- (c) for the transfer of rights and liabilities of the Crown or another public authority under or in connection with the individual's terms of employment.

(9) In this paragraph—

“civil service” means the civil service of the State,

“TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246),

and references to the transfer of property include the grant of a lease.

#### *Tax in connection with transfer schemes*

- 4
- (1) The Treasury may by regulations make provision varying the way in which a relevant tax has effect in relation to—
    - (a) anything transferred under a transfer scheme, or
    - (b) anything done for the purposes of, or in relation to, a transfer under a transfer scheme.
  - (2) The provision which may be made under sub-paragraph (1)(a) includes, in particular, provision for—
    - (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred,
    - (b) anything transferred to be treated in a specified way for the purposes of a tax provision,
    - (c) the Secretary of State to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything transferred.
  - (3) The provision which may be made under sub-paragraph (1)(b) includes, in particular, provision for—
    - (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, the transfer,
    - (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way,
    - (c) the Secretary of State to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.

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(4) In this paragraph—

“relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty reserve tax or stamp duty land tax,

“tax provision” means any provision—

- (a) about a relevant tax, and
- (b) made by an enactment,

“transfer scheme” means a transfer scheme under paragraph 3, and references to the transfer of property include the grant of a lease.

*Supplementary and other general provision*

The power to make regulations under section 83(1) includes, in particular, power to—

- (a) modify any enactment about a public authority for the purpose of enabling or otherwise facilitating any function under sections 67 to 69 to be exercisable by the public authority,
- (b) impose requirements or confer other functions on a public authority in connection with functions transferred by the regulations.

The power to make regulations under—

- (a) section 83, or
- (b) paragraph 4 above,

including that power as extended (whether by section 267(1) or otherwise) may, in particular, be exercised by modifying any enactment (including this Act).

VALID FROM 28/11/2018

SCHEDULE 6

Section 106

ISSUE OF WARRANTS UNDER SECTION 106 ETC: TABLE

VALID FROM 13/02/2017

SCHEDULE 7

Section 241

CODES OF PRACTICE

*Scope of codes*

(1) The Secretary of State must issue one or more codes of practice about the exercise of functions conferred by virtue of this Act.



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- (2) Sub-paragraph (1) does not apply in relation to—
- (a) any functions conferred by virtue of this Act on—
    - (i) the Investigatory Powers Commissioner or any other Judicial Commissioner,
    - (ii) the Information Commissioner,
    - (iii) the Investigatory Powers Tribunal,
    - (iv) any other court or tribunal,
    - (v) the Technical Advisory Board, or
    - (vi) the Technology Advisory Panel,
  - (b) any function to make subordinate legislation which is conferred by virtue of this Act on the Secretary of State or the Treasury.
- (3) A code may, in particular, contain provision about the training of people who may exercise functions in relation to which sub-paragraph (1) applies.
- 2 (1) Each code must include—
- (a) provision designed to protect the public interest in the confidentiality of sources of journalistic information, and
  - (b) provision about particular considerations applicable to any data which relates to a member of a profession which routinely holds items subject to legal privilege or relevant confidential information.
- (2) A code about the exercise of functions conferred by virtue of Part 2, Part 5 or Chapter 1 or 3 of Part 6 must also contain provision about when circumstances are to be regarded as “exceptional and compelling circumstances” for the purposes of any provision of that Part or Chapter that restricts the exercise of functions in relation to items subject to legal privilege by reference to the existence of such circumstances.
- (3) The Investigatory Powers Commissioner must keep under review any provision included in a code by virtue of sub-paragraph (2).
- (4) In this paragraph—
- “relevant confidential information” means information which is held in confidence by a member of a profession and consists of—
- (a) personal records or journalistic material which are (or would be if held in England and Wales) excluded material as defined by section 11 of the Police and Criminal Evidence Act 1984, or
  - (b) communications between Members of Parliament and their constituents,
- and the references in this paragraph to a member of a profession include references to any person acting in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office.
- 3 (1) A code about the exercise of functions conferred by virtue of Part 3 must contain provision about communications data held by public authorities by virtue of that Part.
- (2) Such provision must, in particular, include provision about—
- (a) why, how and where the data is held,
  - (b) who may access the data on behalf of the authority,
  - (c) to whom, and under what conditions, the data may be disclosed,

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- (d) the processing of the data for purposes otherwise than in connection with the purposes for which it was obtained or retained,
- (e) the processing of the data together with other data,
- (f) the processes for determining how long the data should be held and for the destruction of the data.

#### *Procedural requirements*

- 4
- (1) Before issuing a code the Secretary of State must—
    - (a) prepare and publish a draft of the code, and
    - (b) consider any representations made about it, and may modify the draft.
  - (2) The Secretary of State must, in particular, consult the Investigatory Powers Commissioner and, in the case of a code relating to the exercise of functions conferred by virtue of Part 4, the Information Commissioner.
  - (3) A code comes into force in accordance with regulations made by the Secretary of State.
  - (4) A statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
  - (5) When a draft instrument is laid, the code to which it relates must also be laid.
  - (6) No draft instrument may be laid until the consultation required by sub-paragraphs (1) and (2) has taken place.

#### *Revision of codes*

- 5
- (1) The Secretary of State may from time to time revise the whole or part of a code.
  - (2) Before issuing any revision of a code the Secretary of State must—
    - (a) prepare and publish a draft, and
    - (b) consider any representations made about it, and may modify the draft.
  - (3) The Secretary of State must, in particular, consult the Investigatory Powers Commissioner and, in the case of a code relating to the exercise of functions conferred by virtue of Part 4, the Information Commissioner.
  - (4) A revision of a code comes into force in accordance with regulations made by the Secretary of State.
  - (5) A statutory instrument containing such regulations must be laid before Parliament if the regulations have been made without a draft having been laid before, and approved by a resolution of, each House of Parliament.
  - (6) When an instrument or draft instrument is laid, the revision of a code to which it relates must also be laid.
  - (7) No instrument or draft instrument may be laid until the consultation required by sub-paragraphs (2) and (3) has taken place.

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*Effect of codes*

- 6
- (1) A person must have regard to a code when exercising any functions to which the code relates.
  - (2) A failure on the part of a person to comply with any provision of a code does not of itself make that person liable to criminal or civil proceedings.
  - (3) A code is admissible in evidence in any such proceedings.
  - (4) A court or tribunal may, in particular, take into account a failure by a person to have regard to a code in determining a question in any such proceedings.
  - (5) A supervisory authority exercising functions by virtue of this Act may take into account a failure by a person to have regard to a code in determining a question which arises in connection with the exercise of those functions.
  - (6) In this paragraph “supervisory authority” means—
    - (a) the Investigatory Powers Commissioner or any other Judicial Commissioner,
    - (b) the Information Commissioner, or
    - (c) the Investigatory Powers Tribunal.

VALID FROM 31/05/2018

SCHEDULE 8

Section 248

COMBINATION OF WARRANTS AND AUTHORISATIONS  
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SCHEDULE 9

Section 270(1)

TRANSITIONAL, TRANSITORY AND SAVING PROVISION  
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SCHEDULE 10

Section 271(1)

MINOR AND CONSEQUENTIAL PROVISION  
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