

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the revised code of practice entitled “Covert Human Intelligence Sources”, prepared under section 71 of the Regulation of Investigatory Powers Act 2000 (c. 23) (“the 2000 Act”). The purpose of this code is to provide guidance on the authorisation for the conduct or use of covert human intelligence sources by public authorities under Part 2 of the 2000 Act.

Under section 72(1) of the 2000 Act, a person must (in so far as applicable) have regard to a code of practice made under section 71 of the 2000 Act when exercising any powers or duties to which the code relates.

These Regulations also bring into force the revised code of practice entitled “Interception of Communications” prepared under paragraph 5 of Schedule 7 to the Investigatory Powers Act 2016 (c. 25) (“the 2016 Act”). The purpose of this code is to provide guidance on the procedures that must be followed in relation to the interception of communications and the obtaining of secondary data under Part 2 and Chapter 1 of Part 6 of the 2016 Act.

Under paragraph 6(1) of Schedule 7 to the 2016 Act, a person must have regard to a code of practice when exercising any functions to which the code relates.

The codes of practice will be published by the Stationery Office Limited and copies may be obtained from them directly (online or from their bookshops). The codes of practice will also be available on the Regulation of Investigatory Powers 2000 and the Investigatory Powers Act 2016 Codes of Practice pages of the GOV.UK website (www.gov.uk).

The revised codes are laid before Parliament with these Regulations. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.