

Status: Point in time view as at 30/09/2021.

Changes to legislation: Investigatory Powers Act 2016, Part 5 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL PROVISION

PART 5

EQUIPMENT INTERFERENCE

Regulation of Investigatory Powers Act 2000

64 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information

11 Sch. 10 para. 64 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

65 In section 48 (interpretation of Part 2), in subsection (3)(c)—

- (a) omit the “or” at the end of sub-paragraph (i);
- (b) after sub-paragraph (ii) insert “; or
- (iii) Part 5, or Chapter 3 of Part 6, of the Investigatory Powers Act 2016 (equipment interference).”

Commencement Information

12 Sch. 10 para. 65 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

66 (1) Paragraph 2 of Schedule 2 (persons having the appropriate permission where data obtained under warrant etc) is amended as follows.

(2) In sub-paragraph (1)—

- (a) omit the “or” at the end of paragraph (a);
- (b) after paragraph (b) insert “; or
- (c) a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016 (powers of law enforcement chiefs to issue warrants to law enforcement officers).”

(3) In sub-paragraph (5), at the end insert “ or under a targeted equipment interference warrant issued under section 106 of the Investigatory Powers Act 2016. ”

(4) In sub-paragraph (6)—

- (a) omit the “and” at the end of paragraph (b);
- (b) after paragraph (c) insert “; and

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- (d) in relation to protected information obtained under a warrant issued under section 106 of the Investigatory Powers Act 2016, means the person who issued the warrant or, if that person was an appropriate delegate in relation to a law enforcement chief, either that person or the law enforcement chief.”

(5) After sub-paragraph (6) insert—

“(6A) In sub-paragraph (6)(d), the references to a law enforcement chief and to an appropriate delegate in relation to a law enforcement chief are to be read in accordance with section 106(5) of the Investigatory Powers Act 2016.”

Commencement Information

I3 Sch. 10 para. 66 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(1)(i)

Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11)

67 The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.

Commencement Information

I4 Sch. 10 para. 67 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

68 In section 5(3) (lawful surveillance etc.), after paragraph (a) (and before the “or” at the end of the paragraph), insert—

“(aa) an enactment contained in Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service;”.

Commencement Information

I5 Sch. 10 para. 68 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(1)(ii)

69 In section 24(2) (issue and revision of codes of practice), after paragraph (a) (and before the “and” at the end of the paragraph), insert—

“(aa) Part 5 of the Investigatory Powers Act 2016 (equipment interference) so far as relating to the Police Service or the Police Investigations and Review Commissioner;”.

Commencement Information

I6 Sch. 10 para. 69 in force at 1.9.2017 by S.I. 2017/859, reg. 2(j)

Crime and Courts Act 2013

70 (1) In Schedule 1 to the Crime and Courts Act 2013 (the NCA and NCA officers), paragraph 6A (investigatory activity in Northern Ireland) is amended as follows.

(2) In sub-paragraph (3)—

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- (a) in the opening words, omit “an authorisation granted under any of the following provisions”;
 - (b) before paragraph (a) insert—
 - “(za) a targeted equipment interference warrant under Part 5 of the Investigatory Powers Act 2016;”;
 - (c) in paragraph (a), for “in the” substitute “ an authorisation granted under any of the following provisions of the ”;
 - (d) in paragraph (b), at the beginning insert “ an authorisation granted under ”.
- (3) After sub-paragraph (3) insert—
- “(4) For the purpose of sub-paragraph (1), a relevant investigatory activity falling within sub-paragraph (3)(za) is to be regarded as carried out in Northern Ireland if (and to the extent that)—
- (a) the equipment that is being interfered with under the warrant is in Northern Ireland, and
 - (b) at the time of the carrying out of the activity, the NCA officer knows that the equipment is in Northern Ireland.
- (5) Sub-paragraph (6) applies where—
- (a) in the carrying out by an NCA officer of a relevant investigatory activity falling within sub-paragraph (3)(za), equipment in Northern Ireland is interfered with under the warrant,
 - (b) at the time the interference begins, the NCA officer does not know that the equipment is in Northern Ireland, and
 - (c) at any time while the interference is continuing, the NCA officer becomes aware that the equipment is in Northern Ireland.
- (6) The NCA officer is not to be regarded as in breach of sub-paragraph (1) if the interference continues after the NCA officer becomes aware that the equipment is in Northern Ireland, provided that the officer informs the Chief Constable of the Police Service of Northern Ireland about the interference as soon as reasonably practicable.”

Commencement Information

I7 Sch. 10 para. 70 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(1)(iii)

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