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## SCHEDULES

VALID FROM 22/07/2020

### SCHEDULE 2 **U.K.**

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).”

##### *Consumer Protection Act 1987*

3 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).”

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*Environmental Protection Act 1990*

4 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*

5 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).”

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

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	<p>operator or postal operator of communications data without the consent of the operator.”,</p> <p>(c) omit subsection (2F), and</p> <p>(d) in subsection (7)—</p> <p>(i) after the definition of “bank” insert—</p> <p>““communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);”,</p> <p>(ii) after the definition of “insurer” insert—</p> <p>““postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);”, and</p> <p>(iii) for the definition of “telecommunications service” substitute—</p> <p>““telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).”</p>
8	<p>In section 103C of the Social Security Administration (Northern Ireland) Act 1992 (powers of entry) for subsection (6) substitute—</p> <p>“(6) Subsections (2E) and (5) of section 103B apply for the purposes of this section as they apply for the purposes of that section.”</p> <p><i>Financial Services and Markets Act 2000</i></p>
9	<p>In section 175 of the Financial Services and Markets Act 2000 (information gathering and investigations: supplemental provision), after subsection (5), insert—</p> <p>“(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.</p> <p>(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).”</p> <p><i>Finance Act 2008</i></p>
10	<p>In Schedule 36 to the Finance Act 2008 (information and inspection powers), in paragraph 19 (restrictions on powers: types of information), at end, insert—</p> <p>“(4) An information notice does not require a telecommunications operator or postal operator to provide or produce communications data.</p> <p>(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).”</p>

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*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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