
STATUTORY INSTRUMENTS

2018 No. 353

The Investigatory Powers (Technical Capability) Regulations 2018

Citation and commencement

1. These Regulations may be cited as the Investigatory Powers (Technical Capability) Regulations 2018 and come into force on the day on which section 253(1) of the Act (power of the Secretary of State to give technical capability notices) comes into force for all purposes.

Interpretation

2. In these Regulations—

“the Act” means the Investigatory Powers Act 2016;

“relevant postal operator” means a postal operator, or a person who is proposing to become a postal operator⁽¹⁾;

“relevant telecommunications operator” means a telecommunications operator, or a person who is proposing to become a telecommunications operator⁽²⁾, but does not include a person who provides, or who is proposing to provide, a telecommunications service only in relation to the provision by that person of banking, insurance, investment or other financial services;

“secondary data” has the same meaning as in Part 2 of the Act (see section 16(4) of the Act).

Applicable obligations

3.—(1) The Schedules to these Regulations specify applicable obligations for the purposes of section 253 of the Act.

(2) Schedule 1 specifies obligations that may be imposed on a relevant operator for the purpose of securing that the operator has the capability to provide any assistance the operator may be required to provide in relation to warrants issued under Part 2 or Chapter 1 of Part 6 of the Act.

(3) Schedule 2 specifies obligations that may be imposed on a relevant operator for the purpose of securing that the operator has the capability to provide any assistance the operator may be required to provide in relation to authorisations or notices given under Part 3 of the Act and warrants issued under Chapter 2 of Part 6 of the Act.

(4) Schedule 3 specifies obligations that may be imposed on a relevant operator for the purpose of securing that the operator has the capability to provide any assistance the operator may be required to provide in relation to warrants issued under Part 5 or Chapter 3 of Part 6 of the Act.

Relevant operators

4.—(1) Subject to paragraph (3), the obligations in Part 1 of Schedules 1 and 2 and in Schedule 3 may be imposed on a relevant telecommunications operator.

(1) “Postal operator” is defined in section 262(6) of the Act.

(2) “Telecommunications operator” is defined in section 261(10) of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The obligations in Part 2 of Schedules 1 and 2 may be imposed on a relevant postal operator.

(3) The obligations in Part 1 of Schedule 1 and in Schedule 3 may not be imposed on a relevant telecommunications operator who does not provide, and does not intend to provide, a telecommunications service to more than 10,000 persons.

8th March 2018

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