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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the obligations which may be contained in a technical capability notice given by the Secretary of State under section 253 of the Investigatory Powers Act 2016 (c. 25). A technical capability notice imposes obligations on a relevant operator in order to ensure that the operator has the capability to provide assistance in relation to interception warrants, equipment interference warrants, or warrants or authorisations for the obtaining of communications data. A “relevant operator” means a postal operator, a telecommunications operator, or a person who is proposing to become either.

Regulation 3 introduces the obligations which may be imposed by a technical capability notice. Schedule 1 sets out obligations in relation to bulk and targeted interception warrants; Schedule 2 sets out obligations in relation to authorisations for the targeted acquisition of communications data or warrants for the bulk acquisition of communications data, and Schedule 3 sets out obligations in relation to bulk or targeted equipment interference warrants.

Regulation 4 provides that certain obligations may be imposed on postal operators and certain obligations on telecommunications operators. No obligations may be imposed on a telecommunications operator which provides a telecommunications service only in relation to providing banking, insurance, investment or other financial services. Further, obligations in relation to interception or equipment interference warrants may not be imposed on a telecommunications operator who does not provide, or intend to provide, a service to more than 10,000 customers.

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.