Draft Regulations laid before Parliament under section 268(3) of the Investigatory Powers Act 2016, for approval after the expiry of the 40-day period referred to in section 268(4) of that Act by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. XXXX

INVESTIGATORY POWERS

The Investigatory Powers (Communications Data) (Relevant Public Authorities and Designated Senior Officers) Regulations 2025

Made - - - -	***
Coming into force	***

The Secretary of State makes these Regulations in exercise of the power conferred by section 71(1) of the Investigatory Powers Act 2016(**a**).

In accordance with section 72(2) of that Act, the Secretary of State has consulted the Investigatory Powers Commissioner and the public authorities to which the modifications in these Regulations relate.

Following that consultation, a period of at least 12 weeks beginning with the day on which that consultation first began has elapsed and the Secretary of State considers it appropriate to proceed with making the Regulations.

In accordance with section 268(3) and (4) of that Act, a draft of this instrument and a document explaining it has been laid before Parliament, and the draft has subsequently been approved by a resolution of each House of Parliament after the expiry of a 40-day period(**b**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Investigatory Powers (Communications Data) (Relevant Public Authorities and Designated Senior Officers) Regulations 2025 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(**a**) 2016 c. 25. Section 71(2) was amended, and section 71(2A) was inserted, by S.I. 2018/1123.
(**b**) "The 40-day period" is defined in section 268(11) of the Investigatory Powers Act 2016 ("the 2016 Act").

Amendment of Schedule 4 to the Investigatory Powers Act 2016

2.—(1) The table in Part 1 of Schedule 4 to the Investigatory Powers Act 2016 (table of authorities and officers etc.)(**a**) is amended as follows.

(2) In the entry for the Department for Transport, in column 1, after "Department for Transport" insert ", other than in relation to the Driver and Vehicle Standards Agency".

(3) After the entry for the Department for Transport, insert—

"Department for Transport, so far as relating to the Driver and Vehicle Standards Agency	60A(7)(b) and (d)"

(4) After the entry for the Competition and Markets Authority, insert—

"Comptroller-General of Patents, Designs and Trade Marks	60A(7)(b)"

(5) After the entry for the Criminal Cases Review Commission, insert—

"Department for Business and Trade, so far as relating to the Integrated Corporate Services Counter Fraud Expert Services Team	60A(7)(a), (b), (c) and (f)			
Department for Business and Trade, so far as relating to the Insolvency Service	60A(7)(b)	Grade 7 in the Investigation and Enforcement Services Directorate – Criminal Investigation Team of the Insolvency Service	All	61A(7)(a)"

(**a**) The table in Part 1 of Schedule 4 (which sets out relevant public authorities and any designated senior officers for the purposes of Part 3 of that Act) was substituted by S.I. 2018/1123 and amended by S.I. 2020/661, S.I. 2020/1037, S.I. 2022/1395, and paragraph 2 of Schedule 4 and paragraphs 43 to 47 of Schedule 5 to, the Armed Forces Act 2021 (c. 35).

(6) After the entry for the Department for the Economy in Northern Ireland, insert—

"Department for Energy Security and Net Zero, so far as relating to the Integrated Corporate Services Counter Fraud Expert Services Team	60A(7)(a), (b), (c) and (f)			
Department for Environment Food and Rural Affairs, so far as relating to the Counter Fraud and Investigation Team	60A(7)(b)"			

(7) After the entry for the Department of Justice in Northern Ireland, insert—

"East Midlands Ambulance Service	60A(7)(e)	Duty Manager of Ambulance Control Room	All	61A(7)(c)"

(8) After the entry for the Northern Ireland Health and Social Care Regional Business Services Organisation, insert—

"North West Ambulance Service	60A(7)(e)	Duty Manager of Ambulance Control Room	All	61A(7)(c)"

(9) After the entry for the Scottish Criminal Cases Review Commission, insert—

"Security Industry Authority	60A(7)(b) and (d)"			

(10) After the entry for the Serious Fraud Office, insert—

"South East Coast	60A(7)(e)	Duty Manager of	All	61A(7)(c)

Ambulance Service		Ambulance Control Room		
Velindre NHS Trust, so far as relating to Counter Fraud Services Wales	60A(7)(a) and (b)			
West Midlands Ambulance Service	60A(7)(e)	Duty Manager of Ambulance Control Room	All	61A(7)(c)”

(11) Omit the entries for the following relevant public authorities—

(a) An ambulance trust in England;

(b) Insolvency Service(**a**);

(c) Scottish Ambulance Service Board;

(d) Welsh Ambulance Services National Health Service Trust.

3. In Schedule 4, in Part 2, in paragraph 1, omit the definition of “ambulance trust in England”.

Name
Minister of State
Home Office

Date

(**a**) The entry relating to the Insolvency Service was inserted by S.I. 2020/1037.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 4 to the Investigatory Powers Act 2016 (c. 25). Schedule 4 (relevant public authorities and designated senior officers etc.) sets out the public authorities, other than local authorities, who may exercise powers under Part 3 of that Act to obtain communications data(**a**), the statutory purposes for which the communications data may be obtained, the type of communications data which may be obtained and any designated senior officers within those authorities who may authorise the obtaining of communications data internally, including in urgent cases.

The amendments permit certain new public authorities to apply for an authorisation to acquire communications data from the Investigatory Powers Commissioner ("section 60A authorisations"). The Commissioner may authorise the acquisition of communications data under section 60A where it is necessary for one of the purposes set out in section 60A(7), one of which is the applicable crime purpose(**b**). The requesting public authority must have the relevant purpose specified in their corresponding entry in column 2 of Schedule 4. The applicable crime purpose requires that where the communications data is wholly or partly events data(**c**) it can only be obtained for the purpose of preventing or detecting serious crime(**d**), and in any other case it can be obtained for the purpose of preventing or detecting crime.

Regulation 2(2) and 2(3) amends the entry in Schedule 4 relating to the Department for Transport. This has the effect that the Department for Transport is limited in relation to which statutory purposes are available for the acquisition of communications data so far as relating to the Driver and Vehicle Standards Agency. That Agency is an executive agency of the Department for Transport and section 60A authorisations will only be available so far as relating to that Agency where they are necessary for either the applicable crime purpose, or the interests of public safety.

Regulation 2(4) amends Schedule 4 to add a new relevant public authority, the Comptroller-General of Patents, Designs and Trade Marks, which is also known as the Intellectual Property Office ("IPO"). The IPO may only apply for section 60A authorisations where they are necessary for the applicable crime purpose.

Regulation 2(5) and 2(11)(b) amend Schedule 4 both to add a new relevant public authority, the Department for Business and Trade ("DBT"), and to reproduce the entry relating to the Insolvency Service to reflect its status as an executive agency of DBT.

DBT, excluding the Insolvency Service, may only apply for section 60A authorisations so far as relating to the Counter Fraud Expert Services Team, and only where these authorisations are necessary in the interests of national security, for the economic well-being of the United Kingdom where also relevant to the interests of national security, for the applicable crime purpose, or to assist investigations into alleged miscarriages of justice.

Regulation 2(6) amends Schedule 4 to add two new relevant public authorities; the Department for Energy Security and Net Zero ("DESNZ"), and the Department for Environment, Food and Rural Affairs ("DEFRA").

DESNZ may only apply for section 60A authorisations so far as relating to its Counter Fraud Expert Services Team, and where such authorisations are necessary in the interests of national security, for the economic well-being of the United Kingdom where also relevant to the interests of national security, for the applicable crime purpose, or to assist investigations into alleged miscarriages of justice.

(**a**) "Communications data" is defined in section 261(5) of the 2016 Act.
(**b**) "The applicable crime purpose" is defined in section 60A(8) of the 2016 Act.
(**c**) "Events data" is defined in section 261(4) of the 2016 Act.
(**d**) "Serious crime" is defined in section 86(2A) of, and paragraph 6 of Schedule 9 to, the 2016 Act.

DEFRA may only apply for section 60A authorisations so far as relating to its Counter Fraud and Investigation Team, and only where such authorisations are necessary for the applicable crime purpose.

Regulation 2(9) amends Schedule 4 to add a new relevant public authority, the Security Industry Authority. The Security Industry Authority may only apply for section 60A authorisations where they are necessary for either the applicable crime purpose or the interests of public safety.

Regulation 2(10) includes an amendment to Schedule 4 to add a new relevant public authority, the Counter Fraud Services Wales, which is part of the Velindre NHS Trust. That Trust may only apply for section 60A authorisations so far as relating to the Counter Fraud Services Wales and where such authorisations are necessary for either the applicable crime purpose, or the interests of national security.

Regulations 2(11)(a) and 3 amend Schedule 4 to remove the general designation of ambulance trusts in England in Schedule 4. Several new relevant public authorities have been designated to reflect the ambulance services who are retaining their powers to acquire communications data.

Regulation 2(11), sub-paragraphs (c) and (d), amend Schedule 4 to remove the ambulance services of Scotland and Wales so that they no longer have powers to obtain communications data.

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.

© Crown copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£8.14

http://www.legislation.gov.uk/id/ukdsi/2025/9780348270853

ISBN 978-0-34-827085-3

9 780348 270853