STATUTORY INSTRUMENTS

2024 No. 1021

INVESTIGATORY POWERS

The Investigatory Powers (Amendment) Act 2024 (Commencement No. 1 and Transitional Provisions) Regulations 2024

Made - - - - 10th October 2024

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 32(2), (4) and (5) of the Investigatory Powers (Amendment) Act 2024(**a**).

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the Investigatory Powers (Amendment) Act 2024 (Commencement No. 1 and Transitional Provisions) Regulations 2024.

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

(3) In these Regulations "the 2016 Act" means the Investigatory Powers Act 2016(**b**).

Provisions coming into force on 14th October 2024

2. The following provisions of the Investigatory Powers (Amendment) Act 2024 come into force on 14th October 2024—

(a) section 1 (requirement for authorisation);

(b) section 2 (low or no reasonable expectation of privacy);

(c) section 3 (duration of bulk personal dataset warrants);

(d) section 4 (agency head functions);

(e) section 5 (third party bulk personal datasets), other than the insertion into the 2016 Act of sections 226F and 226FA;

(f) section 6 (minor and consequential amendments);

(g) section 7 (deputy investigatory powers commissioners);

(h) section 8 (delegation of functions);

(i) section 9 (temporary judicial commissioners);

(j) section 10 (main functions of the Investigatory Powers Commissioner);

(k) section 11 (personal data breaches);

(l) section 12 (offence of unlawfully obtaining communications data);

(m) section 13 (meaning of "communications data": subscriber details);

(**a**) 2024 c. 9.
(**b**) 2016 c. 25.

(n) section 14 (powers to obtain communications data);

(o) section 15 (internet connection records);

(p) section 16 (powers to require retention of certain data);

(q) section 17 (extra-territorial enforcement of retention notices etc);

(r) section 19 (meaning of "telecommunications operator" etc);

(s) section 20 (renewal of notices);

(t) section 22 (interception and examination of communications: Members of Parliament etc);

(u) section 23 (equipment interference: Members of Parliament etc);

(v) section 24 (issue of equipment interference warrants);

(w) section 25 (modification of equipment interference warrants);

(x) section 26 (issue of targeted examination warrants to intelligence services);

(y) section 27 (bulk equipment interference: safeguards for journalistic material etc);

(z) section 28 (exclusion of matters from legal proceedings etc: exceptions);

(aa) section 29 (freedom of information: bodies dealing with security matters);

(bb) the Schedule (disclosure powers).

Transitional provision in relation to retention notices in effect on 14th October 2024

3.—(1) Paragraphs (2) and (3) apply to any retention notice issued under section 87 of the 2016 Act that has effect immediately before 14th October 2024.

(2) In section 87(6B) of the 2016 Act, "relevant period" is to be read as if it means the period of two years beginning with 14th October 2024.

(3) In section 94A(3) of the 2016 Act, the "renewal period" is to be read as if it means the period of two years beginning with 14th October 2024.

Transitional provision in relation to national security notices and technical capability notices in effect on 14th October 2024

4.—(1) Paragraphs (2) and (3) apply to any national security notice issued under section 252, and any technical capability notice issued under section 253, of the 2016 Act that has effect immediately before 14th October 2024.

(2) In section 255(5B) of the 2016 Act, "relevant period" is to be read as if it means the period of two years beginning with 14th October 2024.

(3) In section 256A(4) of the 2016 Act, the "renewal period" is to be read as if it means the period of two years beginning with 14th October 2024.

Dan Jarvis
Minister of State
Home Office

10th October 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Investigatory Powers (Amendment) Act 2024 (c. 9) ("the 2024 Act") which itself amends the Investigatory Powers Act 2016 (c. 25) ("the 2016 Act"). These Regulations commence most of the provisions of the 2024 Act.

Regulation 2 commences the provisions listed in that regulation on 14th October 2024. In particular, regulation 2 commences provisions relating to: bulk personal datasets (sections 1 to 4); third party bulk personal datasets (section 5); oversight arrangements (sections 7 to 10); how personal data breaches by telecommunications operators are dealt with (section 11); the communications data regime (sections 12 to 15 and the Schedule to the 2024 Act); communications data retention notices (sections 16 and 17); the meaning of "telecommunications operator" (section 19); the renewal of retention, national security and technical capability notices (section 20); safeguards for members of relevant legislatures (sections 22 and 23) and journalists and their sources (section 27); and various other miscellaneous or consequential changes (sections 6, 25, 26, 28 and 29).

Regulation 3 makes transitional provision for communications data retention notices issued under section 87 of the 2016 Act which have effect immediately before 14th October 2024. The effect of this transitional provision in regulation 3 is that any such retention notices have two years from commencement before they will lapse (unless renewed) and they may be renewed at any point within that two-year period.

Regulation 4 makes similar provision to that contained in regulation 3, but for national security notices and technical capability notices.

An impact assessment has not been produced for this statutory instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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