EXPLANATORY MEMORANDUM TO

THE INVESTIGATORY POWERS (COMMUNICATIONS DATA) (RELEVANT PUBLIC AUTHORITIES) REGULATIONS 2026

2026 No. 426

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dan Jarvis, Minister for Security, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Lucy Montgomery-Pott, Deputy Director for the Investigatory Powers Unit, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Communications Data Policy Team at the Home Office can be contacted by email at the following address with any queries regarding this instrument: IPUCommunicationsData@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will remove the ability for five public authorities (that are ambulance services) to compel the provision of Communications Data ("CD") from a telecommunications operator ("TO"). These five ambulance services have confirmed to the Home Office that they no longer require Investigatory Powers Act 2016 ("IPA") CD acquisition powers.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 The IPA provides the intelligence services, law enforcement, and other public authorities with a framework for the use and oversight of several investigatory powers, including CD acquisition.

5.2 CD provides information on who, to whom, where, when, and how a communication occurs, without revealing the content of the communication (such as what was written or said). This information is vital to criminal and national security investigations, and is often the primary way of identifying offenders. CD is also used to progress cases

where offences have occurred online such as with identity theft, cyber-crime, fraud or child sexual exploitation.

5.3 Schedule 4 to the IPA sets out which public authorities can obtain CD under Part 3 of the IPA, the purposes for obtaining, the type of CD that can be obtained, and who may authorise the obtaining of CD, including internally and in an urgent scenario.

5.4 The Home Office reviewed Schedule 4 as part of the wider process of updating the IPA, and identified that the ambulance services listed in Schedule 4 had not used their CD powers at the time of the review for at least five years. Ambulance services were initially added to Schedule 4 in 2016 to permit them to lawfully obtain CD only where it was necessary to prevent or mitigate death or injury.

5.5 Following engagement by the Home Office, a number of ambulance services made a direct request for their removal from Schedule 4, and as a result they were removed through the Investigatory Powers (Communications Data) (Relevant Public Authorities and Designated Senior Officers) Regulations 2025, which was made on 7 July 2025.

5.6 After undertaking a subsequent internal review, the five ambulance services who remained in Schedule 4 (East Midlands Ambulance Service, North West Ambulance Service, South East Coast Ambulance Service, West Midlands Ambulance Service, and Northern Ireland Ambulance Service Health and Social Care Trust), have now confirmed to the Home Office they do not require IPA CD acquisition powers and have requested their removal from the Schedule. One ambulance service had originally requested to retain their powers but following further consultation with the Home Office determined they were no longer required. By removing the five ambulance services this instrument completes the review process commenced during the passage of the Investigatory Powers (Amendment) Act 2024 and ensures that Schedule 4 only contains the public authorities that have a current operational requirement to compel disclosure of CD.

What was the previous policy, how is this different?

5.7 The Investigatory Powers (Amendment) Act 2024 made changes to the IPA to ensure that emergency services, including ambulance services, will have lawful authority to request CD from a TO when it is necessary within the "golden hour" following an emergency call. As these powers are not contained within the IPA, removal from Schedule 4 does not affect an ambulance service's ability to make such a request in these limited and time-critical circumstances.

5.8 Removing the ambulance services from Schedule 4 ensures only those public authorities who need IPA CD acquisition powers have the powers to compel the disclosure of CD under the IPA.

6. Legislative and Legal Context

How has the law changed?

6.1 Removing the five ambulance services outlined in paragraph 5.6 from Schedule 4 means they will no longer have powers under Part 3 of the IPA, including the power to compel the disclosure of CD from telecommunications operators or postal operators.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes, other than via primary legislation. To remove public authorities from Schedule 4, it is necessary to

bring forward secondary legislation, provided for by a delegated power in section 71 of the IPA.

7. Consultation

Summary of consultation outcome and methodology

7.1 There is no statutory consultation required for this change.

7.2 Although there is no statutory obligation to consult, the Home Office has engaged with the Investigatory Powers Commissioner's Office (IPCO) to keep them informed of the intention to remove the five remaining ambulance services from Schedule 4. In 2025, the Home Office also wrote to each of the five ambulance services to confirm whether they required CD powers, and all confirmed that they did not. The Home Office concluded that removal from Schedule 4 was the most appropriate course of action.

8. Applicable Guidance

8.1 The Communications Data Code of Practice published in June 2025 provides guidance on the exercise and functions of CD powers under the IPA and is available on Gov.uk[1]. This Code of Practice is currently in force, and the amendment to Schedule 4 does not introduce new guidance or amend the existing Code of Practice.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no significant impact on the private, voluntary or public sectors is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities, voluntary bodies or on the public sector because this instrument is removing public authorities from Schedule 4 of the IPA. Removal of public authorities from the Schedule will have the effect of reducing any resourcing burden on the above organisations, where they meet the definition of a telecommunications operator or postal operator under the IPA, to lawfully disclose CD when compelled to do so under the IPA. However, as the ambulance services being removed have not used their CD powers within the last five years this reduction on resources will be minimal.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the removal of the five ambulance services may provide only a small reduction in resource burden for IPCO, who will no longer be required to inspect the five ambulance services.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring the use of this legislation is through the Investigatory Powers Commissioner (IPC) who provides oversight of public authorities' use of investigatory powers under the IPA. The IPC ensures the public authorities exercising powers under Part 3 IPA only acquire CD where it is necessary and proportionate to

[1] https://www.gov.uk/government/publications/communications-data-code-of-practice

do so. This oversight is delivered in practice by the IPC's office, IPCO, who ensure any deviations from the legislation are identified early and addressed appropriately. However, this instrument is removing public authorities from Schedule 4 so they will no longer be able to use IPA CD acquisition powers and they will no longer be subject to the IPCO oversight or inspection regime.

10.2 The instrument does not include a statutory review clause. The Home Office will continue to keep under review the use of CD powers to ensure the designated public authorities on Schedule 4 remain up to date and CD can only be acquired by public authorities that have a current operational requirement to acquire CD.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Security Minister has made the following statement regarding Human Rights:

12.2 "In my view the provisions of the Investigatory Powers (Communications Data) (Relevant Public Authorities) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").