STATUTORY INSTRUMENTS

2016 No. 37

INVESTIGATORY POWERS

The Regulation of Investigatory Powers (Interception of Communications: Code of Practice) Order 2016

Made - - - - 14th January 2016

Coming into force in accordance with article 1

This Order is made in exercise of the power conferred on the Secretary of State by section 71(5) and (8) of the Regulation of Investigatory Powers Act 2000(**a**) ("the Act").

The Secretary of State has:

(1) in accordance with section 71(3) of the Act, prepared and published a draft revised Code of Practice relating to the exercise and performance of the powers and duties that are conferred or imposed otherwise than on the Surveillance Commissioners or the relevant judicial authority by or under Chapter 1 of Part 1 of the Act and has considered representations made to her about it;

(2) in accordance with section 71(4) of the Act, laid before both Houses of Parliament a draft of that Code of Practice.

A draft of this Order has been laid before, and approved by resolution of, each House of Parliament in accordance with section 71(9) of the Act.

The Secretary of State makes the following Order—

1. This Order may be cited as the Regulation of Investigatory Powers (Interception of Communications: Code of Practice) Order 2016 and comes into force on the day after the day on which it is made.

2. The revised Code of Practice entitled "Interception of Communications", laid before Parliament in draft on 4th November 2015, relating to the interception of communications under Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000, comes into force on the day after the day on which this Order is made.

Home Office
14th January 2016

John Hayes
Minister of State

(**a**) 2000 c. 23; section 71 was amended by the Serious Crime Act 2007 (c. 27), section 88, Schedule 4, paragraph 18 and Schedule 12, paragraphs 5 and 25; the Protection of Freedoms Act 2012 (c. 9), section 115(1) and Schedule 9, Part 3, paragraphs 6 and 14; the Serious Crime Act 2015 (c. 3), section 83; and by S.I. 2011/1340 and 2014/2042.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the revised code of practice on Interception of Communications prepared under section 71 of the Regulation of Investigatory Powers Act 2000 (c. 23). The purpose of the code is to set out guidance relating to the interception of communications under Chapter 1 of Part 1 of that Act.

Under section 72(1) of that Act, a person exercising any power or duty in relation to which provision may be made by a code of practice under section 71 must, in doing so, have regard to the code's provisions (as far as applicable).

The revised code is laid before Parliament with this Order. A full regulatory impact assessment has not been produced for this Order as no impact on business or the voluntary sector is foreseen.

The code of practice will be published by the Stationery Office and copies may be obtained from the Stationery Office bookshops or online shop. The revised code of practice will also be available on the Regulation of Investigatory Powers Codes of Practice pages of the gov.uk website.

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ISBN 978-0-11-114283-7

£4.25

UK201601157 01/2016 19585

http://www.legislation.gov.uk/id/uksi/2016/37

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