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STATUTORY INSTRUMENTS

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**2018 No. 341**

**The Investigatory Powers Act 2016 (Commencement No. 4  
and Transitional and Saving Provisions) Regulations 2018**

**The appointed day**

2. The following provisions of the 2016 Act come into force on 12th March 2018—
- (a) section 2 (general duties in relation to privacy) so far as it applies to decisions relating to notices under section 252 or 253 of the 2016 Act;
  - (b) in section 229 (main oversight functions)—
    - (i) subsection (1) (main oversight functions) so far as it relates to the exercise of statutory functions relating to equipment interference which are exercised in relation to a notice under section 253 of the 2016 Act (technical capability notices);
    - (ii) subsection (3) so far as it relates to paragraph (b) (oversight of the giving and operation of national security notices);
    - (iii) subsection (8) so far as it relates to—
      - (aa) paragraph (e)(i) so far as that paragraph applies to the giving or varying of a notice under section 252 or 253 of the 2016 Act;
      - (bb) paragraph (e)(ii) so far as that paragraph applies to the giving of a notice under section 257(9)(b) of the 2016 Act, and
      - (cc) paragraph (f) so far as that paragraph applies to participating in a review under section 257 of the 2016 Act;
  - (c) in section 243 (functions of the Tribunal in relation to this Act etc.)—
    - (i) subsection (1)(c) so far as it omits section 65(5)(c) of RIPA and inserts paragraphs—
      - (aa) (czb), (czc), (czi), (czj), (czl)(iii), and
      - (bb) (czm) so far as it applies to conduct falling within paragraphs (czb) and (czi);
    - (ii) subsection (1)(h) so far as inserted subsection (7ZB) of section 65 of RIPA applies to conduct which is, or purports to be, conduct falling within subsection (5)(czc), (czj) and (czl)(iii) of that section;
    - (iii) subsection (1)(i), so far as it omits section 65(8)(a) and (b) and inserts paragraph (bc);
    - (iv) subsection (2)(a), so far as it inserts paragraphs (aza) so far as that paragraph relates to an order quashing or cancelling a retention notice under Part 4 of RIPA and (azc);
    - (v) subsection (3);
    - (vi) subsection (4);
    - (vii) subsection (5)(b) and (c), and
    - (viii) subsection (6);
  - (d) section 245 (Technical Advisory Board);

- (e) section 249 (payments toward certain compliance costs), for the purposes of the payment of a contribution in respect of costs incurred, or likely to be incurred, in complying with a notice under section 252 or 253 of the 2016 Act;
- (f) section 252 (national security notices);
- (g) section 253 (technical capability notices) so far as not already in force;
- (h) section 254 (approval of notices by Judicial Commissioners);
- (i) section 255 (further provision about notices under section 252 or 253);
- (j) section 256 (variation and revocation of notices);
- (k) section 257 (review of notices by the Secretary of State);
- (l) section 258 (approval of notices following review under section 257);
- (m) section 271(1) (Schedule 10: minor and consequential provision) so far as relating to the provisions coming into force by virtue of sub-paragraphs (n) to (q);
- (n) paragraph 45 of Schedule 10 (repeal of Chapter 1 of Part 1 of RIPA) so far as it omits the following provisions of RIPA—
  - (i) section 12 <sup>M1</sup> (maintenance of interception capability);
  - (ii) section 13 (Technical Advisory Board), and
  - (iii) section 14(2)(c) (grants for interception costs in consequence of the imposition of obligations under section 12);
- (o) paragraph 48 of Schedule 10 (consequential amendment to section 78 of RIPA <sup>M2</sup>);
- (p) paragraph 99 of Schedule 10 (repeal of section 94 of the Telecommunications Act 1984 <sup>M3</sup>) except to the extent that a direction under section 94 of the Telecommunications Act 1984 may impose requirements relating to the acquisition of communications data in bulk, and
- (q) paragraph 100 of Schedule 10 (amendment of paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 <sup>M4</sup>).

#### Marginal Citations

- M1** [Section 12](#) was amended by section 4(6) and (7) of the [Data Retention and Investigatory Powers Act 2014 \(c. 27\)](#). Those amendments continue to have effect by virtue of paragraph 9 of Schedule 9 to the 2016 Act.
- M2** There are amendments to section 78 not relevant to these Regulations.
- M3** [2003 c. 21](#); [section 94](#) was amended by paragraph 70 of Schedule 17 to the [Communications Act 2003 \(c. 21\)](#).
- M4** [1998 c. 47](#); [paragraph 17](#) was amended by paragraph 9 of Schedule 4 to the Regulation of Investigatory Powers Act 2000.

**Changes to legislation:**

There are currently no known outstanding effects for the The Investigatory Powers Act 2016 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2018, Section 2.